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THE WRITINGS

OF

JAMES MONROE

VOLUME IV.

1803–1806

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OF

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1803–1806

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ANNALS OF THE LIFE

OF

JAMES MONROE.

SECOND DIPLOMATIC MISSION.

Commissioned Envoy Extraordinary and Minister Plenipotentiary, respectively, jointly, and separately to treat with France concerning the rights and interests of the United States in the river Mississippi and in the Territories eastward thereof. Monroe left Paris July 12, 1803, and Livingston remained as Minister and took leave November, 1804. At this same time Monroe was also joined with Charles C. Pinckney, Minister Plenipotentiary at Madrid, to treat with Spain on the same subjects.

1803. Jan. 12.

1803. April 18. Commissioned Minister Plenipotentiary to Great Britain.

1803. April 30. Signing of the official texts of the treaty for the cession of Louisiana; the convention for the payment of sixty millions of francs by the United States and of the convention for the payment of sums due by France to citizens of the United States.

1803. Oct. 17. Treaty of Louisiana and Conventions laid before the Senate by the President (Eighth Congress, 1st Session). Ratification advised by the Senate, Oct. 20.

1803. Oct. 24. Treaty with Great Britain of May 12, 1803, relative to boundaries laid before the Senate.

Authority given by Congress to the President to take possession of the Territory of Louisiana. On the same day Jefferson issued full powers to William C. C. Claiborne and James Wilkinson,

"Commissioners or Agents of the United States," to meet Peter Clement Laussat, Colonial Prefect and Commissioner of

1803. Oct. 31. the French Government, for the delivery in the name of the French Republic of the country, territories, and dependencies of Louisiana. The Original *Procès-Verbal* of Transfer, in French and English, dated Tuesday, December 20, 1803, is preserved with the Louisiana Archives in the Department of State. In addition to the names of the Commissioners the original paper bears the signatures of D. Wadsworth, Secretary to the American, and of D'Augerot, Secretary to the French Commission.

1803. Dec. 2. Resolution proposing the 12th Amendment to the Constitution.

1804. March 26. Louisiana divided into the Territory of Orleans and the District of Louisiana.

1804. Dec. 2. Napoleon crowns himself Emperor in the Cathedral of *Notre-Dame.*

1805. Jan. 11. Territory of Michigan organized.

1805. March 4. Jefferson's second term. Jefferson and Clinton received 162 votes; Pinckney and King, 14.

1805. June 3. Treaty of Peace with Tripoli.

1805. Dec. 2. Ninth Congress convenes.

1806. April 25. The British naval vessel *Leander* fires on the American coaster *Richard* off Sandy Hook.

1806. May 12. Monroe and Pinkney jointly and severally appointed as Commissioners for the settlement of differences with Great Britain and establishing commerce.

1806. May 16. Great Britain issues the "Order in Council," declaring the French and German coasts under blockade.

1806. Nov. 21. Napoleon issues the "Berlin decree."

1806. Dec. 31. Signs with Pinkney the Treaty of Amity, Commerce, and Navigation with Great Britain.

THE WRITINGS OF

JAMES MONROE.

TO THOMAS JEFFERSON.

RICHMOND Jan 7. 1803

DEAR SIR,—I should have acknowledged the receipt of your favor containing a copy of your message to the Congress before this had I not expected to have done it in person. It was my intention after remaining here as long after the expiration of my late office, as was sufficient to make it known unequivocally to the public that I was sincere in returning to the bar, to pass thro' the federal city on my way to New York & to have halted there a few days with my friends. I contemplated that visit previous to one which I must make to the Westward to look after some property which I possess there. But I find that the exertion which I proposed making is greater than I have reason to think I shall be able to execute in the present state of my health. On that idea I decline for the present my visit to New York with a view to attend to my interest to the Westward, whither I shall set out in a few days by Albemarle. If my health permits & I have time after my return to proceed to

New York & be back to the Courts I shall certainly do it. My present pursuits which are commanded by imperious considerations will absorb much of the time & labour which under other circumstances would be bestowed on public subjects. But they will not diminish the interest which I have always taken in those subjects, & in the success & welfare of my friends to whom they are intrusted. That your future life may continue to be highly useful & honorable to your country & prosperous & happy to yourself is the sincere wish of your friend & Servant.

TO JAMES MADISON.

NEW YORK Febry 22–1803.

DEAR SIR, — I arrived here on Saturday so much overcome with the fatigue of the journey that I kept my bed yesterday & was attended by a physician. To-day I am better tho' confined to my room. In a day or two I shall be well. A ship was engaged for me, a cabbin prepard, & she detained sometime at my expence, & finally sailed, on acct of the great expenses of her detention and the uncertainty of my movements. A ship called the Richmd. is here & will sail in abt 10 or 12 days bound to Hamburg but will land me in Havre. In her I shall take a passage. In my next I will be more particular. I heard with regret the Senate wod discuss the appropriation with open doors. I trust this will not be the case. It is said that a new constn is formed or forming in France whereby Bounaparte is Emperor of the Gauls. A

report, said to be sanctioned from some person by letter from Paris, is the foundation of this. I am sincerely y^r^ friend.

TO GEORGE CLINTON.[1]

NEW YORK March 6. 1803

DEAR SIR,— It is a cause of peculiar regret to me that in my visits here I am deprived of the pleasure of seeing you. This happened on my return from Europe in 1797 & it now happens. We have been long known to each other, have enjoyed the same political opinions & principles, have been alike persecuted, and most happily lived to see the cause of free gov^t^ survive the many shocks it has experienc'd and at present likely to prosper, at least in our country. The interest w^h^ we take in the success of that cause makes this a source of equal delight to both. I am now embarking on a new mission, which I neither sought or expected, but which I undertook with pleasure, as it is to act on an interest I have always had much at heart, on the principles of general right & policy. [Of the result I can say nothing but I promise zeal in the undertaking and a certainty that if I do not improve the condition of our country, I will not make it worse.] It is uncertain how long I shall be absent, but the probability is, especially if I go to Spain, that I shall not be back till spring twelve month. I have the cabbin of a good ship, take my family with me, & expect to sail tomorrow morning. I look back with anxiety for the

[1] Clinton Papers, No. 7113.

welfare of the many estimable friends I leave behind me, in whose hands the best rights & interests of society are deposited. Our present course, and the auspices under w.h we move are favorable to the happiest result. It will give me much pleasure to hear from you occasionally by safe opportunities. M.rs Monroe unites in best respects to y.r lady & daughters. I am dear sir, sincerely y.r friend & servant.

TO THOMAS JEFFERSON.

NEW YORK March 7. 1803.

DEAR SIR,— I rec.d yours of the 25. ulto. with one to M.r Cepeda this morning, when I also rec.d my instructions from the department of State, with all the other documents connected with my mission to France & Sp.n.[1] The ship, Richmond, of ab.t 400 tons burden, whose cabbin I have taken, cleared at the custom house on Saturday, my baggage was put on board, in expectation of sailing yesterday as M.r Madison informed me my instructions ought to arrive by 8 in the morning; but it being Sunday, they were

[1] "I inclose you another letter for Mr. Cepeda Keeper of the National cabinet. I have not superscribed the titles of the gentlemen on my letters, because I know them not. Perhaps some apology may be necessary for this omission. Congress having passed the two million dollar bill, you will receive by this mail your last despatches. Others will follow you about the 2.d week of April before which time I shall be returned from Monticello. I set out for that place on the 8th. of March. Congress has given authority for exploring the Missisipi, which however is ordered to be secret. This will employ about ten persons two years. Present my friendly respects to Mrs. Monroe & Eliza, and accept my best wishes for a pleasant voyage, happy result, and assurances of my constant affectionate attachment.— TH. JEFFERSON." For the Instructions, *See* State Papers, II., pp. 540, 555.

delayed till to-day. We are now detained by a snow storm and contrary wind, but I shall sail as soon as it clears up, & the wind shifts.[1]

The resolutions of Mr Ross prove that the federal party will stick at nothing to embarrass the admn, and recover its lost power. They nevertheless produce a great effect on the publick mind and I presume more especially in the western country. The unanimity in the publick councils respecting our right to the free navigation of the river, and its importance to every part of the U States, the dissatisfaction at the interference of Spn which will not be appeased while the power of a similar one exists, are calculated to inspire the hope of a result which may put us at ease forever on those points. If the negotiation secures all the objects sought, or a deposit with the sovereignty over it, the federalists will be overwhelmed completely: the union of the western with the Eastern people will be consolidated, republican principles confirmed, and a fair prospect of peace and happiness presented to our country. But if the negotiation compromises short of that, and leaves the management of our great concerns in that river, which comprize everything appertaining to the western parts of the U States, in the hands of a foreign power, may we not expect that the publick will be disappointed and disapprove of the result. So far as I can judge, I think much would be hazarded by any adjustment which did not put us in complete security

[1] Requiring the President to at once take New Orleans by an armed force. —*Annals of Congress*—"The Mississippi Question"—February 15, 1803.

for the future. It is doubtful whether an adjustment short of that would be approved in any part of the union; I am thoroughly persuaded it would not to the westward. If they were discontented, there would grow up an union of councils and measures between them and the Eastern people which might lead to other measures & be perverted to bad purposes. The Eastern towns, which govern the country wish war for the sake of privateering: the western would not dislike it especially if they were withheld from a just right, or the enjoyment of a privilege necessary to their welfare, the pursuit of which by force would create a vast expenditure of money among them. Their confidence is now reposed in the adm^{n} from the best of motives,—a knowledge that it is sincerely friendly to their interests: it is strengthened by a distrust of these new *friends;* but an inquietude has been created by the late event, an inquiry has taken place which has shown that every part of the union especially the Eastern, is deeply interested in opening the river; that the attempt to occlude it on a former occasion was a base perhaps a corrupt intrigue of a few; their hopes and expectations have been raised, and it is probable they expect from the mission by a peaceful course everything which their enemies promised by war. The consequences of a disappointment are not easily calculated. If it restored the federal party to power and involved us in war, the result might be fatal. It therefore highly merits consideration whether we should not take that ground as the ultimatum in the

negotiation which must in every possible event preserve the confidence & affection of the western people. While we stand well with them we shall prosper. We shall be most apt to avoid war, taking ten years ensuing together; and if we are driven by necessity into it, it is much better that it be under the auspices of a republican than a monarchial admⁿ. These ideas are expressed in haste for yʳ consideration for I have not time to give them method or form. I shall most certainly labour to obtain the best terms possible, but it is for you to say, what are the least favorable we must accept. You will have time to weigh the subject & feel the publick pulse on it before anything conclusive may be done. I hope the French govᵗ will have wisdom enough to see that we will never suffer France or any other power to tamper with our interior; if that is not the object there can be no reason for declining an accommodation to the whole of our demands.

I accept my appointment with gratitude and enter on its duties with an ardent zeal to accomplish its objects. I derive much satisfaction from a knowledge that I am in the hands of those whose views are sound, are attached to justice, and will view my conduct with candour and liberality, under these circumstances I embark with confidence & am fearless of the result as it respects myself personally. I shall take the liberty to write you occasionally and shall at all times be most happy to hear from you and receive your commands.

Your private objects were attended to as I came

here. I have the book for Mr Volney & left the bottle of wine in a train to reach its destination. Will you be so kind as forward the enclosed to M^rs^. Trist & Major Lewis. That to Major Randolph you will I hope be able to present, as it respects a private object in which I am interested. Our best regards to our friends in Albemarle. It was cause of much regret that we could not see them before our departure, but the cause you can explain. I am dear Sir very sincerely affectionately y^r^ friend & servt.

9th. Eight o'clock in the morning, the wind has shifted and we expect to be on board in an hour.

TO ROBERT R. LIVINGSTON.

April 13, 1803

DEAR SIR,—I think you intimated your intention to present me this evening to the minister of foreign affairs, which I presume must be at his house informally at a party. On consideration I beg to suggest whether it would not be better for you to write him a note informing him of my arrival in town & requesting him to appoint an hour for you to present me to him. My anxiety for you to make this communication without delay is the motive for my writing to you to that effect before I have the pleasure to see you today at 11 o'clock, at which hour I am to call on you. The idea is however only submitted to you^r^ judgment. With great respect &c.

TO JAMES MADISON.[1]

PARIS April 15, 1803

DEAR SIR,—It is proper for me to mention to you in confidence some circumstances which I wish not to include in an official letter. [I was informed on my arrival here by Mr. Skipwith that Mr. Livingston mortified at my appointment had done everything in his power to turn the occurrences in America, and even my mission to his account, by pressing the Government on every point with a view to show that he had accomplished what was wished without my aid: and perhaps also that my mission had put in hazard what might otherwise have been easily obtained.] His official correspondence will show what occurred prior to my arrival & sufficiently proves that he did not abstain even on hearing that I was on my way, from the topics intrusted to us jointly. Col. Mercer who was present says this information was given next morning at the second interview. When I called on him he told me that this government had resolved to sell Louisiana &c but that the resolution had grown out of the state of things in Europe, & the danger of a war with England: that that point would be decided in a fortnight, perhaps immediately on the return of a courrier from Russia who was expected in less time: that he had been with Tallyrand that day, advised him that I was on the way from Havre & pressed him on the subject of my mission, & ultimately on being asked what we would give had actually offered terms. On the next day I

[1] Endorsed: "To Mr. Madison, Private. Communicating incidents relating to Mr. Livingston. With a copy by Col. Mercer. This is very full, as to Mr. L.'s conduct on my arrival. [*Not sent*]."

dined with Mr. Livingston; while at dinner Mr. Marbois came there, withdrew and returned after we arose from dinner; they had a private conference and it was agreed, there being company with him, that Mr. Livingston should call on him after the company despersed at his (Mr. Marbois') house to confer relative to the purchase of Louisiana. [He told me he was going there & the object, and in a private conference with Mr. Skipwith who dined with him on the same day, after repeating the above, he regretted his misfortune in my arrival, since it took from him the credit of having brought everything to a proper conclusion without my aid. You will perceive the dilemma into which I have been & am still placed by this course of proceeding, since I have not only to negotiate with the French Government, especially its ministers, but my colleagues also.]There is a plausible pretext for not presenting me to the Consul till the monthly audience, & in strict propriety I ought to hold no communication or sanction one with this government till I am presented: tho' my colleague considers my reception by the minister, his official notes relative to it, the terms in which he spoke of me on the part of the Consul, & the information he gave us that a person would be designated to treat with us, with whom we might hold informal communications in the interim as placing me on the ground of a person recognized. If I held back on the rule of strict etiquette & permitted no communication at all in case our negotiation failed I exposed myself & our government to the charge of having lost, by the measure taken, a

brilliant opportunity of securing all our objects here & myself particularly of sacrificing everything thro' selfish motives. It is well known that the crisis pressed here and still does, that the Consul had resolved to sell, that Marbois was a minister & entitled to credit, that my colleague was one also already recognized & jointly associated with me in the trust. He was also possessed with the views of our government as well as myself, & might speak without my approbation with whom he pleased. I could not withhold confidential communications with him. Under these circumstances I have been driven by necessity, in private communications with him, signing nothing or authorizing it on his part, to permit him to state to Mr. Marbois that I would assent to the purchase of Louisiana at the price we were willing to give for the territory to the left of the river, France relinquishing all pretensions to the Floridas, & engaging to support with her influence our negotiation with Spain for them. By so doing I disarm those who might wish it of charging on me or our government the fault of future events, should they be unpropitious, and am not aware that I substantially hazard anything. All this attention to my colleague &c may be an intrigue tho' on the part of Marbois. I put confidence in the facts he states. It may be wished to inspire jealousy and distrust between my colleague & myself; the minister may suppose he will be less reserved, tho' it is certain till my appointment was known that he often treated him with great neglect & even disrespect. The opinion entertained of the character of the Consul for

promptitude & decision, that if he liked the terms he would conclude at once, & if he was disgusted would perhaps not soon return to the subject induced me with the consideration mentioned to assent to the above. My Colleague has now promised me in the most explicit terms to hold no further communication with Mr. Marbois or any other person, till I am recognized, & a person regularly appointed to treat with us. I do not know that any real injury will occur to the object of the mission by what has passed.

JOURNAL OR MEMORANDA—LOUISIANA.[1]

April 27.

Mr Marbois came to my lodgings by appointment of Mr Livingston, at two o'clock and I being indisposed it was agreed that I might repose as it suited me. Mr Marbois opened the conversation by presenting us with a project of a treaty given him by the govt [2] to be proposed to us, which he admitted he thought hard and unreasonable; he presented at the same time another project which he called his own, which had not been seen by the govt, but to which he presumed the first consul would assent, as he had told him he would not insist on the terms contained in the first, and would only ask or propose such as he had drawn in the second; but to which he declared that the first consul had not assented explicitly. Mr Marbois thought himself however at liberty to propose his own project as the basis of our negotiation. That project claimed one hundred millions & the debts due our citizens estimated at 20. more. His own reduced that demand to 80, including the debt. There were some other differences between them, his going more into detail, in the form of a publick act. Mr Livingston observed that the debt was a thing to be provided for in an especial manner; that the consul had said to him it should be paid; that we ought to begin from points agreed &

[1] Of this meeting, says Mr. Henry Adams, no other record is known to exist than Monroe's memoranda.

[2] Bonaparte.

proceed to difficulties—that the points agreed were the debts that were due and our right of deposit. Mr Marbois said that if we made a treaty on the general & great subject of the Louisiana, he would include in it a provision for the debts; that if he did not make a treaty of that kind he would have nothing to do with the debts. Mr Livingston repeated the promise of the Consul &c. for the payment of them, to which Mr Marbois replied that he did not mean to impair the force of our claim founded on the treaty & the promise of the govt—what he meant to say was, that if our negotiation succeeded in the object of it, the debts would be comprized in it & provided for, and if it did not succeed he would leave them where he found them; the claim would still be supported by the treaty & any assurance Mr Livingston may have received from the govt since. Mr Livingston still pressing the high ground on which the claim to the payment of the debt rested, Mr Marbois observed that in the promise referred to no time was fixed or sum specified, & intimated that the Consul did not contemplate a greater sum than 3 or 4 millions of livres. I then observed that I thought we were all of the same opinion respecting the debts that the ground on which they stood could not be impaired by the failure of this negotiation; that a provision might be made for the payment of them by it; that we had better go on to the other object & with that view to examine & discuss the project presented by Mr Marbois. One of the articles contained in Mr Marbois's project, proposed that the payment to our citizens & the French govt should proceed in equal degree regarding the amount to be paid to each party, by the month, that is that neither should have a priority or preference, to the other as to time or proportion. Mr Livingston insisted that the payment to our citizens should be prompt & full, which he supposed we might make, without rendering ourselves unable to meet the views of the French govt in any sum we might stipulate to give in point of time: to that Mr Marbois seemed to have no objection. [See Appendix I.]

My colleague took Mr Marbois's project with him & brought one very loosely drawn founded on it, which with our communications together on the subject & the modifications we gave it, will be noted hereafter.

We called on Mr Marbois the 29th and gave him our project which we read to him & discussed. We proposed to offer 50. millions to France & 20. on acc^t^ of her debt to the citizens of the U States, making 70. in the whole. On reading that article he declared that he would not proceed in the negotiation on a less sum than 80. Millions, since it would be useless as the Consul had been sufficiently explicit on that point; Indeed he assured us that his government had never positively instructed him to take that sum, but that as he had told the Consul it was enough, that he would ask no more, and to which he understood the Consul as giving his assent, he Mr Marbois had thought himself authorized to accept & propose it to us, but that he could not proceed unless we agreed to give it. On this frank & explicit declaration on his part & after explaining to him the motive which led us to offer that sum we agreed to accede to his idea & give 80. millions. He asked us if we could not advance something immediately, we replied, we did so in discharge of their debt to our citizens; that they had suffered and it was for the interest of France as well as the U States, that they should be promptly paid, or as soon as possible. To the payment in stock he did not object, nor did he say anything respecting the loss to be sustained by it: he asked what effect the protracting the redemption of the stock for 15 years would have on its value; we told him to raise its price.

On the proviso to the commercial stipulation he seemed to entertain a doubt, but on our shewing the abuse of which the article was capable without it, being not simply to give a preference for 12 years to French vessels & manufactures over those of other countries in the ports of the ceded territory, but to enable France to monopolize the carriage of the exports from the Mississippi, and prevent a single article raised there being brought from the other States, such as tobacco, rice, &c. He admitted that such a power was not sought on their part.

He seemed desirous to secure by some strong provision the incorporation of the inhabitants of the ceded country with our union; we told him that we would try to modify the article to meet his ideas as fairly as we could—we left our project with him, in expectation of hearing from him soon the result, as he said

he should see the Consul next morning on the subject. He informed me that Mr Tallyrand had asked him whether I was in health to be presented to the first Consul, & on my answering in the affirmative; advised me to let him know it. My colleague promised as we returned home to inform the minister next day that I had recovered my health. To guard against accidents however I wrote the minister to that effect next morning, and a note to my colleague to request him to call for me as he went to the house of the minister. Just as I was ready to visit the minister my colleague returned from him & informed me that it was arranged that I should be presented next day, that is on the first of May. [See Appendix I.]

May 1st 1803 Sunday

I accompanied my colleague to the Palace of the Louvre, where I was presented by him to the Consul. While standing in the circle I received a communication by the prefect of the palace, from the minister, stating that he was indisposed, but that I must present the Consul my letter of credence, & that the Consul desired I would dine with him.

When the Consul came round to me, Mr Livingston presented me to him, on which the Consul observed that he was glad to see me. "Je suis bien aise de le voir." "You have been here 15 days?" I told him I had. "You speak French?" I replied "A little." "You had a good voyage?" Yes. "You came in a frigate?" No in a merchant vessel charged for the purpose. Col: Mercer was presented; says he "He is Secretary of legation?" No but my friend. He then made enquiries of Mr Livingston & his secretary how their families were, and then turned to Mr Livingston & myself & observed that our affairs should be settled.

We dined with him. After dinner when we retired into the saloon, the first Consul came up to me and asked whether the federal city grew much, I told him it did. "How many inhabitants has it?" It is just commencing, there are two cities near it, one above, the other below, on the great river Potomack, which two cities if counted with the federal city would make a respectable town, in itself it contains only two or three thousand inhabitants. "Well; Mr Jefferson, how old is he?" Abt sixty. "Is he married or

single?" He is not married. "Then he is a *garçon*." No he is a widower. "Has he children?" Yes two daughters who are married. "Does he reside always at the federal city?" Generally. "Are the publick buildings there commodious, those for the Congress and President especially?" They are. "You the Americans did brilliant things in your war with England, you will do the same again." We shall I am persuaded always behave well when it shall be our lot to be in war. "You may probably be in war with them again." I replied I did not know, that that was an important question to decide when there would be an occasion for it.

At ½ after eight we met M.r Marbois at his own house, in conformity to an appointment which we made with him at the Consuls, and entered on the subject of our proposed treaty. He objected to the first article as being long & containing superfluities, & shewed us a remark to that effect on it by the department of foreign affairs, as being an act more suited to a private transaction before a notary publick. He objected also to any guarantee against France or Spain, as against France as useless, since the cession was as strong a guarantee against her as she could make, and against Spain as improper & useless since it would be an ungracious act to her from France, & we had nothing to fear from Spain. He had no objection to inserting the art: of the treaty of Il defonso by which France acquired the territory, in our treaty, & would make her good offices with Spain in support of our negotiation for the Floridas. From the 2.d art: he agreed to strike out whatever restricted the application of publick buildings to the same use hereafter; & to be contented with the security of property to individuals; and also to omit the obligation to transfer the archives &c. to the local authorities. The articles at the close of our project which respected the cession & transfer of the territory, he proposed to put together in the commencement, which we examined & modified somewhat by consent. That which respected the commercial privilege, he said was objected to in the proviso; he admitted however that it was not wished or contemplated to enjoy more than an exemption from foreign duties in favor of French productions, manufactures & tonage in the transportation of the same into the ports of the Mississippi but not to

affect the terms on which our produce should be carried from it, since he readily foresaw that such a power might be greatly abused. I proposed an amendment which was in sentiment agreed to. To the payment to be made them in stock, and the mode by which we proposed to ascertain the amount and persons entitled to the debt which they owed our citizens, he said objections were entertained. They wish the payment to be made here of 5. millions of livres the month, which we told him was impossible — He believed it was. He wished the term for which the stock was irredeemable to be omitted & adjusted afterwards between ourselves, intimating that on that point difficulties existed with his gov[t] which proceeded from want of time to examine it, but that we must agree [on] something, indeed seemed to assent explicitly to our ideas on the subject. On our explaining the reasons why some check on the liquidation of the debt due our citizens was necessary, since otherwise the sum destined to them might be absorbed, by liquidations in favor of Americans not entitled, or even not Americans, he admitted the propriety of the check we proposed. He said he would see the Consul next morning, fix the points in question, & come prepared sometime in the course of that day to conclude & sign the treaty as of yesterday, being Saturday.

May 2[d]. We actually signed the treaty and convention for the sixty millions of Francs to France in the French language, but our copies in English not being made out we could not sign in our language. They were however prepared and signed two or three days afterwards. The convention respecting American claims took more time & was not signed till about the 8. or 9th. A more minute view of this business as promised in the third page will be annexed hereafter.

We nominated provisionally Col: John Mercer, J. C. Barnett & W[m] M[c]Clure to examine the claims of Americans on the French gov[t] and perform the duties assigned to our board by the convention respecting that subject.

As soon as we had dispatched the treaty &c. by M[r] Hughes, with duplicates & triplicates I resolved to go to Spain in pursuit of my instructions, which M[r] L. approved of and strongly urged. With that view I wrote a note to the minister of foreign affairs

asking the good offices of his gov[t] with Spain as had been promised by Mr Marbois intimating that I wished to set out in a few days for Madrid. On the Sunday following I dined with the Consul Cambacérès, who arrived late from the council at St. Cloud. The party was not large; I sat next him; he observed "you must not go to Spain at present." I asked his reason. He replied "it is not the time, you had better defer it." I revived the subject repeatedly but he declined going more into it. After dinner when we were in the saloon, he came up to me, and on my telling him that he had given me some concern by what he had said, he replied "it was only his opinion, but you will talk on the subject with the minister of the publick treasury." (M[r] Marbois) which I promised. I went immediately to M[r] Marbois's but he was not at home. Reflecting on the hint from the Consul it occurred it would be proper to call on the ambassador of Spain & confer with him on the subject, as I had always intended before I sate out for Spain. I found him at home with two Spanish gentlemen, one the husband of the daughter of Don Galvez who was also present. I told him that I intended going to Spain to treat for Florida with the ministers of his Catholic Majesty, & asked what he thought of it. He replied with great candor that he wished the affair amicably settled between our gov[ts], and that two days before he had written to his Court by an extraordinary courier at the desire of M[r] Livingston to propose to it the question whether it would make the cession to the U States and as I understood to authorize him to treat here for it. As M[r] Livingston had never spoken to me on the subject, as he had pressed my going to Spain, or at least given his decided opinion that I ought to go there, this information surprised me much, especially when I recollected that he not only had no power to treat on the subject, but knew that it was committed to others. I asked when he expected an answer to his letter? He said if it was sent by an extr[y] courier it might be in 12 days, as it required 7 to go and as many to return; & it had been sent 2 already: that if it came by the ordinary post it would take a much longer time as it required 12 days to convey a letter from Paris to Madrid in that mode. I told him that I thought I should go to Madrid & then explained to him something of the nature of the commission which existed

for treating with his government, it being thought by *ours* more respectful to *his* to treat at Madrid than here, but without giving cause to infer that I disapproved the measure taken by Mr Livingston or indeed that I was ignorant of it.

Next day Mr Livingston and myself called on Mr Marbois on some question relative to the treaty &c. On our return he asked me when I should set out to Spain? I told him that I had called on the Marquis D'Azara to confer with him on the subject, the night before, and of the step he had taken at his request to draw the subject here; that under those circumstances it would be an idle errand for me to go there, at least till the Marquis got an answer to his letter; that the affair ought not to play between the two countries; He said that what had passed between him and the Marquis had happened casually at the minister of foreign affairs: that the Marquis had sent the Extr^y^ courier to announce our treaty, & hearing him say he intended to send one, he had suggested the idea of his proposing to his court to make the cession, but not to obtain the authority to treat here for it. I told him that after the arrangement made by our gov^t^ with respect to Spain, the affair ought to have its course in the train in which it was placed by it: that I could not see any benefit to be derived from an application of the Ambassador of Spain to his court in the manner stated by Mr Livingston, especially if I was to go there.

TO ROBERT R. LIVINGSTON.

MAY 5, 1803

DEAR SIR,—I have examined with great attention the articles of the project which we presented as agreed & amended between ourselves, to Mr Marbois & that which he returned to us, & find that neither is drawn with sufficient accuracy to accomplish the object which is intended. A reference to the statement heretofore given to you by the commercial agent here and by you returned to the minister of foreign

affairs, cannot be considered, as defining with sufficient accuracy, the claims, that are to be admitted, as it probably comprises many that are excluded, by the latter part of the same article, & may exclude others that ought to be admitted; the time too, at which the interest is to commence does not appear to me to be sufficiently definite, or founded in justice. The irregularity in the condition of the creditors, some of whom are to be paid immediately & others at the end of the 9 months after their claims are liquidated, is also highly objectionable. The absolute submission to the decision of the French bureaus, in cases where the claims of our citizens have, or may be rejected, ought also to be provided against. It is equally proper, that the powers of our board should be enlarged & more clearly defined, especially that it should extend, to the requiring & receiving of evidence, necessary to guide them to a just decision. Some provision is also necessary, in favor of the creditors, whose claims have accrued since the last convention.

If the board is organized, as we propose, it appears to me, to be unnecessary to assign, to our commercial agent, the duty which is proposed in our project; the more so, as if it is not comprised in his duty assigned by the Government, we should incur an useless expense.

I have drawn such a paper as appears to me to be free from those objections, which I beg to submit to your consideration. I have assumed the Debt, reserving to the United States, the sum, which may remain, if any, after paying it, of the 20 millions

assigned for the purpose. I will be happy to call on you, or receive you here immediately; after you have examined the enclosed, as may be most convenient to you. Very sincerely &c.

TO ROBERT R. LIVINGSTON.

May 6. 1803

DEAR SIR,—I send you a translation of the project for the debts. The French copy I sent to Mr. Marbois last night at 11. not being able to do it sooner. I informed him that if he wished a meeting this morning we would attend him on a notification to that effect. I find that the 3d Art. does not go as far as it ought to do. It does not give to the board to be established by the U. States a power over the claims to be liquidated, of the same extent as is given to them over those which are, in respect to the character of the debt & of the claimant. The board is also restrained from the cognizance of such claims which are not objected to by our agent, which if proper as to the merit of such claims, can not be so on the principle referred to. The money also should be paid on the certificate of that board & the order of our ministers as in other cases. I send you a note on that subject which I wish you to examine, to be added to the end of that article & incorporated in it, if you approve.

DRAFT OF CONVENTION.[1]

Art. 1. The debts due by France to citizens of the United States which accrued before the 2d Vendre 9 year of the French

[1] In continuation of Memoranda on the Louisiana cession. Endorsed by Monroe: "5 May 1803 Paper sent to Mr. Livingston to be substituted to that we

Republic, 30 Sep[r] 1800, shall be paid according to the following principles with interest at six per cent: from the time they respectively became due.

The debts which it is hereby intended to provide for, according to the true intent & meaning of the 5th Art: of the above mentioned convention, are such as are due to American citizens for supplies furnished to the French Republic, for embargoes & other detention of vessels, for captures in which the appeal has been properly lodged within the time specified by the said convention. It being the express intention of the contracting parties to preclude from the benefits of this article,[1] all contracts for covering goods not the sole property of American citizens; all commercial speculations made by American citizens establishing houses of commerce in France, England or other foreign country, in their own names or in conjunction with foreigners, whereby they are to be considered in the commercial transactions of such houses, as domiciliated in the countries where such houses are established, and entitled to the aid of the governments under which they were so established.

It is agreed that the government of France shall by means of its suitable department adjust the whole amount of such of the above claims as have been returned or presented to the several bureaus, within the space of months from the date of this treaty, & that it will cause all other claims which may hereafter be presented to be adjusted with the least possible delay. As soon as any claim shall be thus adjusted, the department by whom the adjustment is made, shall grant a certificate for the sum due, stating the object or consideration for which it became due, to the person entitled to it, who shall present the same for revision to the board provided for in the following article.

Should any claim be rejected by such department of the French Government, the party thinking himself thereby injured shall be entitled to a statement of his case comprising the motive of the rejection, to be presented in like manner before the said board.

had in great hurry agreed on & presented to Mr. Marbois. The details respecting this business are stated in a note or journal of proceedings."

[1] "(without however deciding on or detracting from their rights)," crossed out in original.

Art: 2. And that suitable & adequate provision may be made for the payment of all just debts due by the French Government to the citizens of the United States, above described & none other, according to the true intent & meaning of the 5th article of the said convention, it is further agreed that the ministers plenipotentiary of the United States shall appoint a board consisting of three persons to act till the same are finally adjusted, or until the President with the advice of the Senate shall appoint others, who or a majority of them shall have full power to revise all such claims thus adjusted or rejected by the said department of the French Government, & to reject or admit the same, in part or in whole, as in their judgment shall appear right & just on the principles above stated. To enable this board fully & completely to execute the duties hereby assigned it, it shall be authorized to require and review such testimony, in all cases as may be necessary to a full & impartial decision & also to examine all authentic pieces & documents in the bureaus of the French Republic, relative to the said claims, & to take copies of the same when necessary.

When any claim is admitted by the above mentioned board, the party entitled to the same shall receive from the said board a certificate for the amount due, in which shall be stated the time at which it became due, & the Ministers Plenipotentiary of the United States in case there be more than one present, shall give orders on the Treasury of the United States for the payment of the same, with interest thereon from the time the debt became due at the rate of six per cent per annum till paid, which orders shall be paid at the Treasury three months after sight, in case the treaty has been previously ratified by both parties, and the ceded territory delivered into the possession of the United States.

It is understood that the rejection of any claim by this board shall produce no other effect than to exempt the United States from the payment of it: The party holding such claim shall have the same right to demand it of the Government of France; as if this treaty had not passed. It is also understood that nothing in this treaty is intended or shall be construed in such manner as to affect the claims of citizens of the United States on the French Government for debts which have been contracted since the 30th of Sept. 1800.

Art. 3. The United States engage to pay the amount of the debt due by the French Republic to their citizens, as above described & whose adjustment is provided for in the preceding articles, which debt is estimated at a sum not exceeding 20 millions of francs.

It is further agreed that should the claims provided for in the preceeding articles not amount to the sum of twenty millions of francs, and other claims be hereafter presented to the Government of France, which were they now presented would be entitled to payment under this convention that such surplus shall be applied in discharge of the same.

TO JAMES MADISON.[1]

PARIS May 18, 1803.

SIR,—Since the conclusion of the treaty with France for the purchase of Louisiana, which was forwarded to you on the 13th by Mr. Hughes, with a joint letter from my colleague and myself,[2] I feel myself much at a loss what part to take respecting the Floridas. There are some considerations in favor of an immediate pursuit of that object with Spain which have great weight on my mind. The cession of Louisiana by France to the U. States must lessen the value of the Floridas to Spain, and she will be apt to feel that effect more sensibly immediately after she hears it than at any other time. France too who has promised her aid in the negotiation with Spain, would probably take more interest in it, at this moment, while the obligation to yield it, is in a manner personal, than she might do hereafter. At this crisis of

[1] From Letter-book in Manuscript Division, Library of Congress. His *official* letters to Madison are superscribed "To the Secretary of State."

[2] State Papers, II., 558.

affairs between France and England which comprizes Spain in an equal degree, there is reason to believe that we should derive much aid from a pressure on Spain, from that cause. It is equally presumable that England even in case of war would not interfere with our pursuit, much less break with us for obtaining the Floridas. The exclusion of her manufactures from the Continent of Europe, is a principle cause of her present unquiet and distressed situation. It is her interest to cherish the U. States and Russia, as her best markets; a policy which I believe she understands and pursues with sincerity. To be involved in a war with us at this epoch would prove a great calamity to her. I have no doubt that at this time she is either indifferent respecting our acquisition of Louisiana, and that which we propose to make of the Floridas, or in no situation to oppose it. Indeed it is not improbable that she may wish it, as it weakens these powers, in that quarter and promises to open new markets to her manufactures. Should we not however acquire this territory of Spain at this period, there is danger of its falling into the hands of some other power hereafter; a circumstance which might give us much trouble, as it commands the mouths of several of our rivers, and gives a right to the navigation of the Mississippi. There are also considerations against my pursuing the object at present of great weight. We have already stipulated for a much greater sum than it was contemplated we should give for the object of my mission. To go further might embarrass our treasury. It may be advisable to exchange a portion

of Louisiana next Mexico for the Floridas, and I have no power to make such an arrangement. I have weighed these considerations with the attention they merit, and the result is that I am of opinion that it is more in conformity to the spirit of my instructions, and to the interest of my country, that I should proceed immediately to Madrid to endeavour to obtain the Floridas than remain inactive and suffer the favorable occasion which is now presented to be lost. The acquisition of the Floridas is an important object with our government, as is sufficiently shewn by our instructions. The purchase of the whole of Louisiana, tho' not contemplated is nevertheless a measure founded on the principles and justified by the policy of our instructions, provided it be thought a good bargain. The only difference between the acquisition we have made, and that which we were instructed to make in that respect, is, that a favorable occasion presenting itself which indeed was not anticipated by the administration, in the measures which led to that event and laid the foundation for it, we have gone further than we were instructed to do. But the extent of that acquisition does not destroy the motive which existed before of acquiring the Floridas, nor essentially diminish it. In our instructions the idea entertained by the President of the value of that country is defined. It is to be presumed that under existing circumstances it may be had at a cheaper rate, since its importance to Spain is much diminished. And altho' the sum to be paid for Louisiana is considerable, yet the period at which that portion which is applicable to the

government of France is to be paid, is so remote, and such delays are incident to that which will be received by our citizens, that it is to be presumed the payment of what it would be proper to stipulate for the Floridas, would subject our treasury to no embarrassment. I am the more confident in this opinion, from the belief that it would be easy to raise on the land alone, retaining to our government the jurisdiction, a sum which would be sufficient to discharge the greater part of what it is probable Spain would ask for it. The bias of my mind therefore is to pursue this object by repairing immediately to Madrid and endeavouring to obtain by treaty the territory in question thereby extirpating the last remaining source of controversy or indeed jealousy with these powers. If I proceed it will be in a week from this time, within which term every arrangement incident to the treaty and convention we have formed with this republick will probably be compleated, and the little provision necessary for my journey to Spain likewise made. On this subject I shall write you again soon, let the decision which I take be what it may. In case I go I shall leave my family at St. Germain till my return, which I shall expect to do in a few months. I am with great respect & esteem y^{r} ob^{t} servant.

TO THOMAS JEFFERSON.

PARIS May 18. 1803

DEAR SIR,—In my communications to Mr Madison publick & private which you would see, I have been so full, that it seemed as if I should only trouble you

by a repetition of the same ideas in writing you. I most earnestly hope that what is done here, and may be done in Spain, will not only prove an ample vindication of the measures of your administration during the last cession of Congress, when contrasted with the rash and extravagant projects that were opposed to them, but lay the solid foundation of great and permanent happiness to our country. To have contributed in any degree to carry into effect those measures, and justify the wisdom and benevolence of the policy which dictated them, if the result is approved, will always be a source of much delight to me. Since the conclusion of the business with France, I have doubted much whether it would be best for me to remain here till I heard the result of the deliberations in the U. States on what is already done, or proceed directly to Spain to treat for the Floridas; and after much reflection have decided in favor of the latter opinion. It is the only question which remains to be settled with these powers, which interests our future peace and tranquility; the present appears to be a favorable moment for the settlement of it, and I trust it may be done on terms which will not be embarrassing to our finances. After extricating ourselves from the danger of war we have nothing to attend to but our interior concerns, and among others to our finances. With our revenue and such immense resources in land, we may easily discharge all our debts in a reasonable time, without bringing more land to market than would command a good price; or be consistent with a slow and gradual extension of our

settlements founded on the progressive state of our population. I shall set out for Spain in a week or ten days, and hope to be back in three or four months at most. I leave my family at St Germain in my absence, where my daughter is at school. After a long negotiation or the appearance of it, war seems to be declared between England & France. Where it will end or what its effect will be is uncertain. I have no doubt that it will tend in its consequences to improve the condition of our country in its wealth, independence of Europe, and in the character of our government. Both these powers see as I presume that our growth & prosperity are inevitable, and that it is for their interest respectively to stand well with us. The adjustment of the affair of Louisiana with France, & of the Floridas, if it can be done with Spain will contribute much to the advancement of our credit in Europe. It is to be feared that the question of neutral rights which is certain to be again discussed, may give us much trouble. It is to be expected that England will adhere to her doctrine, and probable that it may be opposed by Russia & the other neutral powers, to the north. To direct our course with advantage in reference to that question, and the parties connected with it, will require all the moderation & wisdom of our government. I am persuaded that a systematic plan of fortifying our seaports ought to be adopted; that it would be grateful to our citizens interested cannot be doubted; that it would produce an useful effect abroad is certain. From everything I can learn the doctrine of dry docks is at least doubt-

ful, and that ships suffer more in fresh water by all the causes which produce decay than in salt is the opinion of all that I have conferred with. On these points I will write you hereafter. I send this by the way of Engl^d, deeming it the safest route at present. I have attended to the delivery of all your letters here, in a mode and at times which I thought most adviseable in reference to all circumstances which merited attention. A Mr Chas[1] who has a letter from you in terms of compliment, who says he was acquainted with your family, has sent out to you 30 copies of his history of our revolution, & other works, after many pressing applications has obtained of me 150# on account of those remittances to you. He is I presume an honest man but worried me so much, that in paying the money I got no credit by it, being irritated by his importunities, and doubt whether I have not made him my enemy, by asking by what authority he sent you books &c. I am dear Sir very sincerely your friend & servt.

P S. Mr Skipwith is desirous of an appointment at New Orleans, if the treaty is approved and a government organized there. His views are directed to the office of Collector for which he is well qualified. He has served long & faithfully here, and I believe without any improvement of his fortune. Having known the direct and upright line of his conduct, through a period of great political embarrassment, I own I feel much interest in his future establishment.

[1] J. Chas, lawyer of Paris, author of sundry works styled "mediocre" by Larousse.

TO VIRGINIA SENATORS.[1]

PARIS, May 25. 1803

GENTLEMEN,—We have as you will find concluded a treaty & two conventions with this Government for the cession of the whole of Louisiana. I flatter myself that the terms will be thought reasonable when compared with the immense advantages resulting from the acquisition. The subject however will be before you, & it belongs to the suitable authorities to decide whether we have acquitted ourselves with propriety in the trust reposed in us. I consider this transaction as resulting from the wise & firm tho' moderate measures of the Executive and Congress during the last session. Without these measures we should not have acquired Louisiana. The pressure of the crisis here, but an approaching rupture with England, assisted in producing the result, but had our country not formed a character, or rather a prominent feature in the transactions of the day, it would not have taken place. Nor could it have succeeded so promptly or advantageously, by taking any other attitude than that which was taken. Had we broken the pacific relations subsisting between these countries & the United States, or indeed had not a respect for this Government, and a desire to preserve peace with it, been clearly marked in our measures I do not think that we should have brought it to the issue we have. It is proper that you should possess a correct knowledge of the facts here which led to this result.

May 25. 1803.

[1 Endorsed "To Genl Mason. Col. W. C. Nicholas & John Breckenridge—private—enclosed to Mr. M."]

I arrived at Havre on the 8th of April, which fact was known here on the 9th. On the 10th this Government resolved to offer us by sale the whole of Louisiana, at a certain price, which was diminished by the negotiation. On the 12. I arrived in town, on the 14th was received by the minister, recognized by him, by order of the First Consul & informed that altho I might not be presented to the Consul till the audience day according to usage, that a person would be appointed to treat with us with whom we might proceed in the interim. This was accordingly done, Mr. Marbois was appointed, the negotiations immediately commenced, & brought to as speedy a conclusion as possible. [The decision to offer us the territory by sale was not the effect of any management of mine, for it took place before I reached Paris; nor of my colleague or it would have taken place sooner: Being postponed until my arrival in France or indeed till the mission was known, is a full proof that it was the result of the causes above mentioned & of those only. I enclose you a copy of a letter from Mr. Livingston bearing date on the 10th of April, in answer to one from me of the 8th announcing my arrival, which establishes the above facts.[1] I communicate this letter

[1] PARIS, 10th Apl. 1803.

"DEAR SIR—I congratulate you on your arrival. We have long and anxiously waited for you. God grant that your mission may answer yours and the public expectation. War may do something for us; nothing else would. I have paved the way for you and if you could add to my measures, an assurance that we were now in possession of New Orleans, we should do well; but I detain Mr. Benthalou, who is anxious to fly to the arms of his wife. I have apprized the minister of your arrival and told him you would be here on Tuesday or Wednesday. Present my compliments to Mrs. Monroe and believe me your friend & humble servt. ROBT R. LIVINGSTON."

to you as a measure of precaution, that you may not only know that the above facts exist but the nature of the evidence which supports them. Had the measures of our government, of which my mission was only a subaltern part, failed, whether the failure might be attributed to their impolicy, or to such a delay on my part as suffered the crisis with England to pass, all the responsibility would have been on the government & myself. It is equally just in reference to the result that facts should be correctly known to guard against misrepresentation. Personally I pretend to nothing but zeal & industry after I got here, a merit which is equally due to my colleague. If my mission produced any effect it was owing altogether to the motive which induced the President to nominate me, that is, the pronounced character which I had in reference to the object in question, & a belief that I would bring the affair promptly to an issue. It is to be presumed that the transaction will rest on its true ground in the United States, but as the contrary may be the case & it is impossible to foresee what misrepresentations may be given of it, or the ends that may be intended to subserve, I think it not only justifiable but a duty to make to you this communication. You will consider the letter itself as strictly confidential since altho' it is proper to communicate it to a few from whom it is my custom to withhold nothing, yet it would be otherwise if it should go further, for reasons that will readily occur. It is proper to add that I expect no misrepresentation from my colleague & that I am happy to have it in my power to bear testimony

in the most explicit manner in favor of his zealous, sincere & diligent co-operation thro' the whole of this business.

TO THE SECRETARY OF STATE.

PARIS, 8th of June 1803

SIR,—Since my letter of yesterday[1] I have had an interesting communication with the Minister of foreign affairs. Our letter had been restored to Mr Livingston by Mr Marbois in a casual interview who also shewed him the order to Mr Pinchon, which was substituted for it. To see that order and receive one to him for the surrender of the country to the United States, I called yesterday evening by appointment on the Minister, where I found Mr Marbois also. They had expected Mr Livingston and myself together, but on my observing that we had not so understood it, he having already seen the paper. The Minister read the order to me and asked how I liked it, I replied that it was not for us to say, it being the act of his government only, but says he, comparatively which do you prefer, this mode or the other? I replied this without doubt. He said it was on the idea it would be more agreeable to us and our government that it

[1] "It is highly important that the Congress be immediately called and the treaty & conventions we have formed be carried into immediate effect, in all their stipulations. If the measure we have adopted is approved, no delay shd. occur, in performing what we are to perform, since a failure in any one point in the time specified may defeat & I think will defeat the whole. We shall be more full on this head in our letter by Mr Jay, who bears thro' Engld. the ratification. I write this in haste for Bordeaux where I hope it will find Mr Derieux. I hope the President will convene the Congress to create the funds, since I repeat again a failure to comply strictly within the terms limited is all important."

was adopted, since suppressing our letter it became, as it ought to be, entirely the act of [the] government and in his opinion strictly a justificable one, the Consul having a right to annex a condition to the ratification in the spirit of the treaty at any time before the exchange. I told him that having discussed the subject already I had only to repeat that I preferred much this mode to the other. He added that he hoped no difficulty would take place hereafter; that we had sufficient time to perform what we had stipulated, and that he sincerely wished we might do it in due time, as his government had much at heart the future harmony of the two nations. I replied that similar sentiments animated the government of the United States; that I was persuaded the treaty would be ratified; that even before the creation of the stock I was confident that the President far from delaying the payment of what was stipulated, would if [in] his power after the ratification promote aid which might be useful to them in the United States to evince his desire of a prompt execution of the treaty; that on our part and on our own responsibility if it was desired we would prevail on the house of Baring and Hope to advance the first payment, that is six millions of livres, before we heard from our government, in confidence that our conduct would be approved. I told him I thought my colleague would unite in this sentiment. He expressed himself highly gratified with the communication, which he considered as a strong proof of the friendship of the government of the United States for the nation and government

of France. [He] declared that as it was made after everything was concluded it was the more honorable to us, and would affect in a greater degree the sensibility of the First Consul, to whom he would make it known, tho' he knew that he would accept nothing but as it became due in strict conformity to the treaty. I should deem it fortunate for the United States if the payment was made as being an act of liberality on our part, and in the degree a prompt execution of the treaty. It would bind this government more completely to the execution of it on its part. I am happy however that the offer was refused, since while it cannot fail to produce a good effect, it avoids all responsibility on our part, or that of the President, tho' indeed in the payment here the responsibility would be entirely on us. It is proper to inform you that the treaty and conventions bear date from the period when [every] thing was agreed on, the thirtieth of April, but as it [was necessary] to reduce them to writing the treaty was signed on the second of May, and the convention concerning the claims of our citizens the ninth or tenth which will explain why they were not sooner despatched from Paris. I am Sir with great respect & esteem y^{r} obt^{t} serv^{t}

TO THE SECRETARY OF STATE.

PARIS June 19, 1803.

SIR,—We have rec^{d} y^{r} communications of the 18. and 20. of April[1] & after due consideration deem it

[1] *State Papers*, II., 555.

most advisable that I sho^d proceed immediately to England. The departure of Mr King from that country at the commencement of a war between it & France, without nominating a *charge des affaires* may expose our commercial concerns to much embarrassment if there is no one there soon to take charge of them. The arrangement however proposed by the President will probably obviate any inconvenience since the place will be occupied in a fortnight from this date. I am happy to have it in my power to add that the state in which our affairs are here admits a complyance with this arrangement without inconvenience to any interest of a publick nature. Since the despatch of the ratifications of the treaty &c, there is nothing to be done here till the question is decided by our government, nor even then in case of ratification, as the instruments will be given by you to the Minister of France to be forwarded to his government here. It is only in case of difficulty from some cause or other, that the commission will have to act again in this affair, & then it will be in your power, if a joint agency is deemed necessary to avail y^rself of it, by suitable instructions to the members who compose it. In regard to Spain it is not likely that any injury can result from the delay which becomes inevitable by this measure. It was never a very clear point that I ought to pursue the object with that power, after what was done here, untill I heard from you. The motive which inclined me to it at first diminished daily by my detention here, so that your late instructions arrived in good time to

relieve me from further suspense. My visit to England will not I think be attributed by this govt to an improper motive. It seems to have a just view of the policy of our government in regard to both powers, which is to cultivate their friendship by fair & honorable means while it pays a scrupulous attention & maintains with firmness the respect which is due to our national character rights & interests. My position in England will not prevent my attention in due time to the object with Spain, if the President should be of opinion that it might be useful. I have suggested to this government the probability of my being instructed by him to pursue that object with that power, after the decision on our treaty &c. with France, in which case I informed the Minister that I shod, according to the promise made to Mr Livingston and myself by Mr Marbois, expect the good offices of his government with its ally, and of which he gave me the most positive & satisfactory assurance. On this subject as on what concerns us more generally I shall write you here after more fully. I shall only add at present that in the communications which have passed between this government & myself since my last, to which this incident has in part given the occasion, much has occurred to inspire me with confidence in its friendly disposition towards our govt & country and in a mode that could not otherwise than be peculiarly grateful to me. I am with great respect & esteem yr most obt servant

P. S. I have sent you two copies of the view I have taken of the question whether W. Florida is

comprized in the cession of Louisiana, which I think too clear to admit of a doubt.[1] I have many reasons for believing that the gov[t] of Spain entertains the same opinion on that point. I doubt not if it is taken possession of as a part of Louisiana, that the measure will be acquiesced in by that gov[t], or at least that it will not be taken ill by it, or impede an amicable and favorable adjustment relative to the territory of Spain Eastward of the Mississippi.

The ratifications of the treaty &c. have been sent by way of Havre, as have duplicates by another vessel. The former under the care of M[r] Jay.

TO ROBERT R. LIVINGSTON.

PARIS June 23, 1803.

DEAR SIR,—I intended calling on you this morning but on my return home last night found a note from the Minister of Foreign Affairs inviting me to his house at 12. to proceed to St Cloud to be presented by him at one to the First Consul for the purpose of taking leave of him.[2] This puts it out of my power to

[1] Appendix II.

[2] 24. was presented at St Cloud by Mr Tallyrand to the First Consul at 1. oclock.

"You are about going to London"?—I told him I had lately received the orders of the President, in case our affairs here were amicably adjusted, to repair to London—that the resignation of our Minister there, & there being no one charged with our affairs made it necessary that I should go immediately that I was ordered before my departure to call & assure him of the respect & esteem which the President & United States entertained for him & the French nation, & of his earnest desire to preserve peace & friendship with them.

He said that no one wished more than him the preservation of a good understanding &c that the cession he had made was not so much on account of the

see you this morning. I have however signed the Commissions for two of our board & the agent which are sent you.

In addition to the papers promised me, permit me to request you will be so obliging as let me have copies of our letter to Mr. Marbois & his answer relative to the aid promised us by his government in the negotiations with Spain for Florida: also of his letter to us & our answer relative to the treaty after its conclusion: & lastly Mr. Kings letter to us & our answer to him, & respecting the treaty we have formed with this Republic. Your Secretary may not be able to make copies of all these papers, if you will be so kind let Col: Mercer have the originals, we will make them here. I am dear Sir &c.

TO ROBERT R. LIVINGSTON [1]

[No date.]

DEAR SIR,—I have received your letter of the 23. expressing your idea of the extent of the acquisition we have made by the late treaty with France, which I have read with attention. I thank you for the communication, as it tends to throw light on that interesting topic.

Before however I proceed to make any remark on that subject permit me to observe that I am sorry I

price given, as motives of policy &c. He wished friendship between the Republics.—That he regarded the President as a virtuous enlightened man, a friend of liberty and equality—&c That we must not give our flag to the British.

I answered the modern principle made it impossible to avoid it—&c. The cession made us independent. Florida &c—no concurrence—or rivalship:

[1] Draft of answer to Livingston's letter of May 23: Indorsed as not sent.

cannot agree with you in the last sentiment expressed in your letter, that it is not necessary to probe this business to the bottom nor until future circumstances should render it proper. Had I thought so I should not have asked of you your ideas on paper on the subject. My opinion has been from the moment that our treaty with France was concluded, that it was my first duty to ascertain correctly the extent of that acquisition, by reference to all the authentic documents to which access could be had, & such other sources of information as might illustrate it. There are a variety of considerations which imposed this duty on me; I will however only mention that which grows out of the transaction itself, the propriety of communicating to our government, such information as we possess & such opinion as we have formed of the extent of the acquisition. This consideration is much strengthened by the advice which you propose to give to our government to take possession of W. Florida as a part of Louisiana. We ought not to give such advice till we had probed the question to the bottom, and seen that it was founded in principles of Justice such as could be demonstrated to the impartial world, even to Spain herself. Nor can I agree with you that my motive for asking your ideas on that subject on paper, was because I had not leisure to examine it myself. The fact is I was at the time engaged in the examination of it, as I have been ever since, and with the greatest attention that other duties would permit, as indeed I think I mentioned to you at the time. My object in making the request

was that we might examine the question separately, compare our ideas together and after forming our opinions, take the course which in reference to our respective duties might appear to be proper. I have made these observations solely for the purpose of explaining to you the motive which induced me to make the above mentioned request, which I have been sorry to find you had misunderstood.

Having also examined the question with some attention and committed my ideas to paper I shall have the pleasure to communicate them to you at our first interview. I shall only observe at present that we perfectly agree in the opinion that Louisiana, as it was in the hands of France prior to the year 1763, extended to the River Perdigo, & that it was restored to her by Spain, in the treaty of Il Dephonso, precisely in the same extent: that the reservation contained in the last member of the article, which respects the subject, is in favor of the United States only, intended to secure their rights under their treaty with Spain in 1795. I also think with you that the communications of the Spanish Minister at Madrid to Mr. Pinckney tend to confirm this doctrine. But in tracing this subject under the several treaties which respect it, I had a difficulty on a point which appeared to me to be of importance. Did France dismember the Country while she was possessed of it? it is not material to how many powers she granted it provided it was at one & the same time, that is that it did not remain her property in a dismembered state. At first I was led to fear that a strong argument might

be drawn against us from this source. The secret treaty by which New Orleans & the Western bank of Louisiana was ceded to Spain bears date on the 3rd Nov. 1762; the order of the King to his governor for the surrender of it on the 21 April 1764 and the actual surrender did not take place till some years afterwards, according to one of the papers which I have seen, not till 18 Augt 1769. The treaty between France, Great Britain, Spain &c by which the part since called W. Florida was ceded to Great Britain bears date on the 10th Feby 1763. I presume that the cession of a country takes its date from the treaty making the cession, not from the surrender: but in the present case whether we date the cession referred to, under the secret treaty of '62, to Spain from the one or the other epoch, the effect would be the same. If these were the only facts in the case, it might be said that there was a dismemberment of Louisiana in the hands of France. Happily these are not the only facts existing; by a note in one of the books I have obtained, it appears that the preliminary articles of the treaty of 1763 were actually signed on the same day with the secret convention above mentioned, & of course that the transfer or cession of the whole country by France was made on the same day. I presume that this note may be relied on, & verified by reference to authentic documents, to which access may be had. I communicate its contents with pleasure, because it seems to place beyond all controversy our right to West Florida under the treaty we have lately formed with France.

TO THE SECRETARY OF STATE.

LONDON July 20 1803

SIR,—I am too recently on this theatre to give you any information of the state of public affairs which you will not obtain of the gazettes which I shall therefore not repeat.

It will be more useful to go back to the transactions in which I have been lately engaged, and to communicate some incidents which occurred in them with which you are not yet acquainted. The pressure of business at the time, the necessity of hastening here as soon as that measure was decided on, and the hope that I should enjoy more leisure here than I had done in France, induced me to reserve them for the present communication.

You saw by my letters after the conclusion of our treaties with France that I had in a great measure decided to proceed to Spain, on the idea that by so doing I should best fulfil the ulterior object of my instructions. You saw likewise by the joint letter of Mr Livingston and myself of June 7th that I had been prevented pursuing that object, by an obstacle, the circumstances attending which were fully detailed in it. There occurred however another difficulty which you are yet to be apprized of.

At the time when my judgment inclined in favor of that measure, I applied to Mr Tallyrand for the support of his Govt in the negotiation according to the promise made us by Mr Marbois, with which you are acquainted. This application was made on the 19 of May immediately before the discussion mentioned in

the letter of the 7 June above referred to. On the Sunday following, three or four days afterwards, I dined with the Consul Cambaceres who had been with the first Consul in council at St Cloud whence he returned late to dinner. He said to me soon after entering the room "you must not go to Spain at present." I asked his reason. He replied "it is not the time; you had better defer it." I revived the subject repeatedly but he declined going farther into it. After dinner when we were in the Salon, he came up to me, and on my informing him that he had given me much concern by what he had said, he replied "that it was only his opinion; but you will talk on the subject with the Minister of the public treasury," which I assured him that I would not fail to do. I went immediately to Mr Marbois, but had not the good fortune to find him at home.

On the Tuesday following I saw the Consul le Brun, who suggested to me precisely the same idea which I had received from the Consul Cambaceres, and who I was persuaded had imbibed it at the same time in the Council at St Cloud. I proposed to him the same question that I had done to his Colleague, and received nearly the same answer. He told me that we should obtain our object, but that this was not the time for it. About this time the incident mentioned in the letter of June 7th[1] occurred, which increased and continued my suspense till we rec^d^ yours of the 18 & 20 of April which directed my route here.

As soon as my course was marked I called on the

[1] *State Papers*, II., 563.

Minister of foreign Affairs, and reminded him of my application to him for the aid of his govt in our negotiation with Spain, which as he well recollected had been promised. I then told him, without waiting for an answer, that my route was changed; that I had just received the order of the President to proceed to England in case our affairs were amicably adjusted with France; that the motive for it was, a knowledge that Mr King was about to return home: the probability of a rupture between France & Britain and the consequent exposure of our commerce; and the propriety of our being represented there in case of that event: that the urgency was increased by the circumstance under which I received the order, Mr King having sailed without having nominated any one to take charge of our affairs till his successor arrived. I adverted in the commencement to the affair with Spain, to fix in his mind, by evidence not to be resisted, an important fact, the date at which the late order was received, that he might see that it grew out of recent circumstances, those mentioned, and was not the part of a system of menace adopted at the time of my appointment. I had seen the advantage of inculcating this truth on more than one occasion, or thought I had, & wished to have it in full force on the present one. The Minister acknowledged in explicit terms the frankness of the communication, which he considered as a strong proof of the fair dealing of our Government in its conduct towards his, and of its sincere desire to preserve peace and friendship between the two nations. Then taking a

cursory review of what had passed in the late negotiation, he declared that nothing short of the course which had been taken by our Government would have produced the result which had attended it. He asked me when I proposed setting out on the proposed mission? I answered very soon, as there was nothing to detain me longer there. I requested him to communicate the above to the First Consul, and to express my wish to be favored with a private audience, for the purpose of taking my leave of him before my departure. This he readily undertook, but observed that as the first Consul was to set out in a few days for the Belgic and his time was preengaged by appointments for the whole of the interval, he doubted whether it would be in his power to grant me an audience, tho' he was persuaded he would if he could. Having asked an audience I resolved to wait an answer till his departure, and the more so as I knew it would not detain me long. As soon as I had made the above communication to the minister, I made a like one to Mr Marbois, whose candid and upright deportment through the whole of our negotiation, had inspired me with a very high respect for his character. I asked and obtained about the same time & for the same purpose, a private audience of the Consuls Cambaceres & le Brun, by whom I had been received with kindness, and treated with attention during my mission in France, & who I had reason to believe had promoted the object of it. It was not strictly in course to make to these characters such a communication, but I felt that I owed it to the part

they had taken in the late important transactions with our country, and am persuaded that it was received in the spirit in which it was made. I called on Joseph Bonaparte the elder brother of the first Consul with the same view, but as he had left town I had not the pleasure to see him.

The day before the Consul commenced his tour I received a note from the Minister of foreign affairs requesting me to meet him the next day at 1 oclock at St Cloud to be presented by him to the first Consul, which was accordingly done. The audience was of some length.

I made a communication similar in substance to what I had already done to the Minister, to which I added that it was the wish of the President that I should assure him before my departure of his high respect & esteem for him personally & for the French Nation, and of his earnest desire to preserve peace & friendship with it. The first Consul reciprocated the sentiment toward the President and the U. S. in strong terms. He said that he considered the President as a virtuous and enlightened man, who understood and pursued the interest of his country, as a friend of liberty and equality: That no one wished more than himself the preservation of a good understanding between the two Republics: that he had been prompted to make the late Cession to the U. States not so much on account of the sum given for the territory as from views of policy: that France had been their first friend and he wished to preserve that relation between the two countries for ever: he had

perceived that we entertained a jealousy of their possession of Louisiana which was likely to drive us into measures & connexions that would prove not only hurtful to France, but as he presumed to ourselves also: He therefore wished to remove the cause by an act which would free us from all apprehension on that head and leave us at liberty to pursue our course according to our interest and inclination. I told him in reply that I had considered the cession of Louisiana as having been prompted by the motives which he stated, as being an act of great and enlightened policy rather than an affair of commerce, and was persuaded that our government would view it in the same light: that the cession would place us on the ground he mentioned of real independence: that we had however been willing to give what was deemed an equivalent for it. He observed that there was no rivalship between us, our relation to France being chiefly commercial; but that we must be on our guard, not to give the protection of our flag to the British. I told him that the latter was a question which merited all his deliberation and candor, since the principle that free ships made free goods, if sustained by him as I understood it to be, precluded any discussion on that point. He admitted that there were difficulties in the case which he should examine with care. He then observed, without my leading to the subject tho' I had intended doing it, with respect to Florida that this was not the time to pursue that object: that the Spaniards had complained much of the cession they had made to us of Louisiana. I told him

that we were neighbours of Spain and wished to be on friendly terms with her, which the possession would promote: that it was a little piece of land comprized within our present limits which we ought to have. He replied that it was because we were their neighbours that they were jealous of our possessing that territory which by its ports commanded the gulph of Mexico. I told him it would be better for Spain that we held it than the British, which might take place if we did not. Still he urged that this was not the time to negotiate for it. I ceased therefore to press the subject further, preferring to let it be understood that the negotiation was postponed for the present, to be revived at a more suitable season, when we should expect his good offices in it, to which he seemed to assent.

It is to be presumed that the natural weight and respectability of the United States will enable their government to obtain this object of Spain, without the aid of any other power: It cannot be doubted however that France, has the means of essentially promoting or embarrassing it. It was on that principle that we sought to avail ourselves of her aid in the late negotiation & that I applied for it when I was about to go to Spain. To have gone after the promise made us, without this communication, might have produced an ill effect; to have gone after my application for it in opposition to her advice would most probably have had the same tendency, which it seemed peculiarly proper to avoid especially while our treaties with her were depending. The Consul set out on his tour the evening of the day on which I

had the above audience, which was on the [24th.] of June. On the Monday following I requested my passport of M^r^ d' Hermand the chief in the department of foreign relations charged with that business who I found had not the power to grant one. I immediately wrote to the Minister of foreign relations, who had left Paris about the same time with the Consul to apprize him of this fact & request that he would be pleased to send me a passport immediately as I was ready for my journey and only waited one.

As it was arranged when the First Consul left Paris that no passports should be granted for England except such as were signed by himself, and the Minister did not take the same route to Brussels with the Consul, the latter pursuing the coast to visit the ports as he advanced, I was detained longer than I had expected to be. As soon however as they met a passport was signed by the first Consul and forwarded to me by the Minister, under which I set out immediately and reached this, as you were apprized by my last, on the 18 ins^t^

As I had communicated, while I contemplated going to Spain with Chevalier d' Azara her ambassador in France, and with Mr Pinckney Minister of the U. S. at Madrid and given them reason to believe that I should do so, I thought it proper to apprize them of the late change in my destination, and of the motive for it, that they might see that it was the effect of imperious causes & did not proceed from a want of respect for his Catholic Majesty. I am with great respect & esteem your very Hum^le^ S^t^

nothing of the treaty lately concluded with this Government by Mr King I could of course say nothing about it; nor could I reply otherwise to his allusion to the state in which I found the negotiation on my arrival in Paris. His Lordship did not state the pretentions of any party to agency or service in that transaction which I knew to be unfounded, and it was therefore unnecessary & impolitic to presume that such was his intention. Still as his allusion might be construed into a countenance of such pretentions, I thought it my duty to express myself in a manner which while it manifested a disposition to conciliate, should nevertheless give them no sanction. It would be matter of regret if such pretensions existed, since every transaction should appear in its true character and be attributed to its proper causes. Justice and candor require this in all cases in reference to the parties concerned. In the present one it is peculiarly important that this correct maxim should be strictly observed. This affair is not yet concluded, tho' I hope it is in a good train and will soon be put beyond the reach of fortune.

Our government ought to know to the minutest detail the motives which induced the government of France to adopt this measure, to enable it to do justice to those motives & bring the affair itself to a happy conclusion. The extrication of ourselves from a dangerous, perhaps a disastrous, war, by the acquisition of an important territory which gives such vast relief and comfort to so many of our people, is an event which if the causes which produced it are well understood, may serve as a monitory lesson to influence

spoliations and boundaries; the latter of which he had adjusted by treaty with Mr King just before he sailed. I assured him in general terms, that it was the wish of our Government to be on the most friendly footing with great Britain. He then congratulated me on the conclusion of our treaty with France which he said I had found in good train on my arrival there & had been lucky enough to arrange to my satisfaction. I replied that I hoped it was concluded on terms that would be found advantageous to our Country & be approved by our Government: that we had been careful in forming the treaty not to interfere with the rights of any other friendly power. The conversation was not otherwise sufficiently interesting to be reported. As such interviews are formal, especially when the parties are entirely strangers to each other, as we were, they are I believe generally short. As soon therefore as it appeared that the object of the interview was fully answered I withdrew.

The next levee is early in the next month at which time I hope to be presented to his Majesty, and in the interim I shall endeavor to make myself acquainted with the state of our affairs in this country with which we have so many relations that are so highly interesting to us, and which I shall endeavor to preserve and if possible improve.

You will observe that I expressed myself, in my replies to Lord Hawkesbury's remarks, in general rather than precise terms, and from your knowledge of facts you will I am persuaded be sensible that it was impossible for me to do otherwise. As I knew

nothing of the treaty lately concluded with this Government by Mr. King I could of course say nothing about it; nor could I reply otherwise to his allusion to the state in which I found the negotiation on my arrival in Paris. His Lordship did not state the pretentions of any party to agency or service in that transaction which I knew to be unfounded, and it was therefore unnecessary & impolitic to presume that such was his intention. Still as his allusion might be construed into a countenance of such pretentions, I thought it my duty to express myself in a manner which while it manifested a disposition to conciliate, should nevertheless give them no sanction. It would be matter of regret if such pretensions existed, since every transaction should appear in its true character and be attributed to its proper causes. Justice and candor require this in all cases in reference to the parties concerned. In the present one it is peculiarly important that this correct maxim should be strictly observed. This affair is not yet concluded, tho' I hope it is in a good train and will soon be put beyond the reach of fortune.

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if not prescribe the course to be pursued in our future controversies with the European powers, if any should occur. America certainly bears a very distinct relation to Europe, from what the several powers of the latter bear to each other, which it is equally important for her to understand & to have understood by the latter. Of this truth the event referred to is a striking example as it is a very satisfactory illustration. I should weary you if I pursued this subject. I have touched it to remark that for these and other obvious reasons I have considered it my duty to communicate to you every fact belonging to this transaction with which I was acquainted that it might be seen by the President in its true light. To these I shall at present take the liberty to add a few observations.

You saw by Mr. Livingstons and my joint letter which bore date a day or two before I left Paris about the 11th Ulto.mo that the English government had no agency in this affair: that it never had made a question of Louisiana in its discussions with the government of France, at any period since the French possessed it. This information was obtained of Lord Whitworth on the application of Mr. Livingston on his & my part at a time when we deemed it important to know what interest that power had taken in the affair if any. Lord Whitworth's answer was as I understand frank and explicit to that effect. It therefore proves fully that the Cession of Louisiana did not proceed from any interference of G. Britain respecting it.

The proof is in other respects positive and conclusive that it was produced by the measures of our

Government and that the decision to make the cession was intended to meet them in the spirit in which they were taken. It is a well established fact that before those measures were well known in France the First Consul had manifested no inclination to make the Cession. For some time after they were known his disposition to retain the territory remained unshaken, tho' it was evident he had become more conciliatory in his deportment towards our country. As late as the 10. of March he announced his resolution not even to discuss the subject in any light until after he had sent a Minister to the U. S. and received from him such information as he deemed necessary for the purpose. On the 22^{d} of March he manifested his desire to retain the country to be as strong as ever, intimated that he had always considered the possession of it as furnishing him with the means of giving new proofs of his friendship for the U. States, by which he meant, as is presumed, the opening of the river to our Citizens, on more favorable terms than had yet been enjoyed by them, he absolutely refused to treat at that time, tho' he acknowledged his sensibility to the conduct of the President in the conjuncture which had produced an extraordinary mission, and declared that he would receive the Envoy with pleasure & hoped that his mission would terminate to the satisfaction of both powers. The decision to make the cession was taken on the 10th of April after the arrival of that Envoy at Hâvre (which was on the 8th) was known at Paris, and with a view to lay the foundation for the negotiation which was so soon to commence. For

the proof of these facts I refer you to the official notes of Mr Tallyrand to Mr Livingston of the 10th and 22nd of March, which I presume are in your possession, and to such other information as you have heretofore received of the latter. The demonstration which they furnish of what I have above stated, is too strong to be resisted by any one whose mind is not sealed by prejudice against the clearest result. Had the disposition of the first Consul to make the cession been produced by any but the measures of our government and country taken together, but more especially by the firm & dignified yet conciliatory conduct of the President, he would not have postponed the discussion of the subject till he was apprized of those measures, nor would he, after he knew of them, have delayed the avowal of his disposition to the period that he did, or have assigned the motive which he gave in the letter of March 22^d^ for the delay.

It was impossible, had we possessed the requisite power, after our negotiation commenced to have opened any communication with this government without great hazard to our interest & credit, while it was impossible to derive any advantage from it. A proposition to Britain for her agency in the affair, could not have been expected to succeed without our paying some equivalent for it, which must have been by making common cause with her in her own controversy and perhaps also by giving her some portion of the territory or rights in the navigation of the river. Had we stipulated either of these considerations we should most probably have been carried into

the war with her, the result of which is very uncertain. By making any stipulation in favor of G. Britain we should have tied up our hands in the degree from doing anything for ourselves, while we bound ourselves to her fortunes. Had we made any overture for such an arrangement we hazarded its being made known, with a view to her own interest, to the government of France, with whom it could not fail to have produced an ill effect in regard to ours. Perfect freedom to take such part as our interest required was the happiest situation, in which we could be placed in the negotiation, & it equally comported with honor & policy not only to remain so in reality, but to preserve also the appearance of it, while there was a prospect of success. Had we erred in the present case our folly and disposition for intrigue must have been extreme, since from the commencement there was great probability of success, which continued to increase till the object was accomplished.

It cannot be doubted that there were a variety of causes, which contributed to produce a change, in the mind of the first Consul relative to Louisiana, & to facilitate the cession which I flatter myself our government has been fortunate in obtaining. Among these may be calculated the failure of the Expedition to St Domingo, the pressure of the crisis in Europe &c. There are occasions which it is fair and honorable for every government to take advantage of & which none fail to do, when those at their head have discernment enough to see them. They are such as our distance from Europe, & fortunate situation in

other respects, will I hope always furnish us, when they may be necessary. I affirm however, with perfect confidence in the opinion, that notwithstanding these favorable circumstances, we should not have succeeded had the amiable relations between America & France been broken, or had the President have taken an attitude of menace towards that power, or any other than precisely that which he did take.

I have been happy to take advantage of Mr Sumter's services who lives in the neighborhood of London, which his friendship and disposition to be useful have induced him to render me. As he will embark in a month or six weeks for the U. S. I shall experience some embarrassment when he leaves me unless Mr Purviance arrives in the mean time. If he has not yet sailed I beg of you to prevail on him to do so as soon as possible. — I am with great respect & esteem your very humble Sert

TO THE GOVERNOR OF VIRGINIA.[1]

[JOHN PAGE]

August 12, 1803.

I hope that my friends in Virginia have given me the proof which I have so often experienced from them of indulgence for failing to write them as I wished to have done since I left Richmond. The truth is, I have been engaged in a course of laborious duty, not in the best health at times, and further restrained by the fear that my communications might be interrupted on the way. At present I have only to remind you

[1] From *Calendar of Virginia State Papers.*

and my other friends that I have not, and shall not, forget them, and also to transmit you a receipt[1] from the artist Houdon, at Paris, for the amount of his claim of a balance due him on account of the Statue of the late Gen! Washington which I have paid him. You will recollect, or rather several of our estimable friends in the Council will, that it was decided that the artist should not lose by the depreciation of the paper in which the payment was made him; that the payment of the balance claimed was only delayed to have been correctly ascertained by Mr. Jefferson.

On my arrival in Paris, this poor man applied to me for justice, and I thought it best to pay him. It did not suit the character of the State or the transaction, that a just claim should be delayed on the account of that Statue. I had the account examined and settled by Mr. Skipwith, who has, I am persuaded, done ample justice to the parties. If what I have done is approved of, I have to request that you will be pleased to pay the amount to my friend, Mr. Tyler, of the Council, who will apply it as I shall desire in a letter I shall write to him in a day or two by N. York. I beg you to present my most friendly regards to the gentlemen of the Council, as also to Major Coleman

[1] The undersigned, Commercial agent of the United States at Paris, having by desire of James Monroe, Envoy Extraordinary, &c., to the French Republic, examined the several papers exhibited by Mr. Houdon in the support of his claim against the State of Virginia for the loss by depreciation on the sum of nine thousand Livres paid him in assignats by the late Bankers of the United States, Messrs. Grande & Co., on the 29th of November, 1792, on account of the Statue of General Washington, made by him for the State of Virginia, does hereby certify that by the scale of depreciation established by law in this country, it appears that on the aforesaid 29th of Novem!, 1792, the sum of nine thousand Livres in assignats was worth six thousand two hundred Livres

and Mr. Hylton. I should impose too great a burden on you in requesting the like attention to my other friends in Richmond and elsewhere, to many of whom, I hope to be able occasionally to write. I am &c.

TO THE SECRETARY OF STATE.

LONDON, August 15, 1803.

SIR,—I wrote you lately by M[r] Baring since which nothing material has occurred here, except that I was called on yesterday by Sir Stephen Cotterel & notified that I should be presented to the King on Wednesday next. After the presentation I shall give you the result.

The enclosed which I received last night from Paris by an American gentleman, containing important information, is therefore transmitted to you. I intimated to you by M[r] Baring that the power over the two millions of dollars subjected to our disposition by the act of Congress and order of the President, would so far as depended on me, be applied to a guaranty of the stipulations of the treaty. This measure is nothing more than a faithful performance of what

specie, and that therefore that the said Houdon did sustain a loss thereon of two thousand eight hundred Livres.

In witness thereof I have hereunto signed my name and affixed my seal of office to this duplicate certificate this 10th day of June, 1803, at Paris.

(Seal) FULWAR SKIPWITH.

[The receipt of M. Houdon in French, through Mr. James Monroe, at Paris on the 16th of June, 1803, of Two Thousand eight hundred Livres in full of balance found due him by Fulwar Skipwith for the execution of the Statue of General Washington, is on file.—Note by Editor of *Va. State Papers.*]

was promised in the course of the negotiation, & throughout the early stages of the business, or in other words, than a guaranty to the extent, in obedience to powers committed to us for the purpose of the execution of the treaty itself. I flatter myself that Mr Livingston will concur with me in the object, since I am persuaded that he must see the importance of it in the present state of affairs. I shall give you a more correct view of this business in my next.

I consider the present moment an all important one in our history, and that much, perhaps everything, depends on what is done by our government in its several branches. If the treaty is ratified, so that the President is left free to carry it into effect, the most prompt and decisive measures appear to me to be necessary on his part. My advice is that he order the troops down immediately to take post at New Orleans. In a mild and friendly manner the Spaniards should see that he expects they will surrender the territory promptly. Perhaps they will give it up without delay or equivocation. If they do not & our government does not take an imposing attitude the favorable moment may pass & everything be lost. If the affair is whiled away by negotiation, France may assume the character of mediation between us, and a year hence a bargain be made up by compromise much to our injury. But if the President pushes the affair with decision and promptitude, the First Consul will find himself bound by honor & interest to take a part in it which must be in the present juncture in favor of the United States. He must interpose so as to compel

Spain to yield & put us in possession of the territory we have bought and paid France for. Should the Spaniards delay, the incident may probably furnish another occasion for the President to give a new proof of the energy of his character, and the happy effects of his administration. I am persuaded that a tone of decision, should the occasion require it, would give great effect to the proposed negotiation with Spain for Florida & the debts, while it made immediately a very favorable impression, with the powers in this quarter. I would not hesitate on the arrival of the troops at New Orleans to consider the jurisdiction of Spain as terminated, to open the ports under the authority of the United States and exercise all the rights of sovereignty. By giving them time to remove the troops according to the treaty, or rather longer if necessary, every accommodation will be given them that they have a right to expect, & the interest and character of the United States at the present moment will permit.—I am with great respect Sir, your M^{r} ob^{t} Ser^{t}

TO R. R. LIVINGSTON.

LONDON August 20$^{th.}$, 1803.

DEAR SIR,—I have received your letter of . . . by Mr Baring and avail myself of the earliest opportunity to answer it. I perceive that you have misconceived my powers & instructions in what concerns our transactions with France. Our instructions unite us, our commission does so, as does the act which

gives us power over a certain sum of money to be applied promptly to the object of the negotiation, by the two latter instruments which would control the former, if there was a variance between them, neither of us has power to act singly, but in case of the death of the other. You will know that this construction prevailed thro' the whole of what has passed; on what principle then is it now supposed to be altered? I can conceive some reasons why if it is, the power should be considered as vested exclusively in you, not one, why exclusively in me. The truth is it remains in reference to any act to be performed under the commission precisely where it did at first, that is in both of us. Had I possessed the power exclusively, I should most certainly have exercised it by making a prompt payment to the Government of France of the sum in question in obedience to our instructions, with a view to secure more effectually a compliance with our treaties. Such prompt payment would have formed the basis of every consultation & conference with the Minister of France on the subject. It was owing to the circumstance of our power being joined to your desire to apply that money to the payment of the debts and to the pressure of other important considerations at the moment that that payment was not made. I am persuaded, had it been done then we should have avoided the anxiety which we afterwards felt, the details of which were communicated in our joint letter of June 7th to the Secretary of State; that we should in fact place beyond all hazard the final execution of the treaties — a result of primary

importance to the creditors since on it alone could we be justified in assuming the payment of their debts by our Goverm[t] which they so much desired. It was to remedy that error on an experience of its ill effects that I suggested to the Ministers Tallyrand or Marbois the idea of a guarantee to Hope & Co. so far as depended on me of the sum subjected to our disposition with a view to promote on the principle of our treaty & the contract of that company with the French Government a prompt payment of the amount by the company to the Government. I made this suggestion to those Ministers on the evening of the 7th of June, the day on which I called to see the order of their Government to M[r] Pichon for the delivery of the ratification & surrender of the territory, a period it is true when our anxiety for the consequences was more excited. I remember on stating to you immediately afterwards what had passed there you did not hesitate to approve it, tho' you expressed some satisfaction that the offer was not accepted, as I had supposed was the case. In what I stated I spoke for myself not for you observing that our authority was joint, a fact however with which they were well acquainted otherwise. When this subject was revived afterwards in conversation with M[r] Marbois at the Consul Lebruns, & he intimated his willingness to receive the guarantee since he saw that it might be done with advantage to the completion of the transaction between the two nations, & I assured him that my disposition was the same, I nevertheless repeated the remark that our power was joint, but promised to

confer with you on the subject & apprise him of the result. I did confer with you, & finding you indisposed to the object & he being out of town left the affair in that state.

I am still of opinion that the guarantee of the sum proposed is an expedient and suitable measure, & shall therefore execute it so far as my act can have that effect. All human events are subject to uncertainty. Accidents may happen which may put it out of the power of our Goverm^t^ to ratify the treaties or create the stock within the terms specified. It appears to me to be proper to prevent the possibility of any discussion in such cases by increasing the disposition as well as the obligation of the French Govern^t^ to execute them notwithstanding & from what I have seen of the integrity & fair dealing of the First Consul & the Ministers in this transaction I am satisfied that the acceptance of the guarantee & payment of the money which the bankers will make in consequence of it would produce that effect. I trust that this disposition exists without it. I am persuaded it does. But this would be a fair & honorable mode of acting with them, which by binding us as well as themselves might make the result more secure, nor can I discern any solid objection to the measure, since it is not an advance of money by the United States as you insinuate, but simply a guarantee of the treaty which we have lately formed to the amount of the sum committed to our care for the purpose on which the bankers will pay the same to the French Government on the principle of their contract with it. It will not

injure our citizens who are creditors of France but make the payment of their debts more secure, or at least more steady. Being deeply impressed with this view of the subject, I have annexed such an act to the instrument giving us power over the sum in question with my signature as appeared to me to be proper for the purpose, which I forward you herewith. If you approve you will sign it & not otherwise.

As the apprehension of delay in the ratification of the treaties &, the creation of the stock by our Government which might be produced by various causes, was given as the motive of the anxiety which was expressed by the First Consul after he had ratified them & this guarantee will give him the command of a considerable portion of the sum stipulated, it will I doubt not be deemed so strong a proof of the fair intentions of our Government as will satisfy him that there is no cause for such apprehension. Under such circumstances it is reasonable to expect a declaration on his part thro' Mr Marbois addressed to us that he will take no advantage of such delays as are accidental or such as a sincere desire to execute all the stipulations of the treaties by our Government according to the principles of good faith will not prevent. I think it more than probable that our Govt will perform every stipulation within the terms specified in the treaties & that such a stipulation by the First Consul, or declaration for the term is not material, would prove of no effect. As the contrary however might be the case it seems reasonable for us

to expect it, especially at the present time when there are several considerations which make it desirable. I have no doubt that the First Consul will readily accede to the measure on its being suggested to him, since he will perceive that it is an act in itself just, & that will do him honor; nor have I any doubt that Mr Marbois & Mr Tallyrand will suggest it to him, since it is in the spirit of the whole transaction which has been fair & honorable in the highest degree.

I wish this affair, if you approve, concluded immediately that it may produce the good effect that is contemplated by it. You will of course see Mr Marbois & make the communications & arrangements with him that are suited to either event.[1]

Nothing is more uncertain than whether Spain will preserve her neutrality in the present war. Her Minister is here still nor is any reason to suppose that he will not remain—too much caution cannot be observed in our communications on European occurrences to which you will attribute my not going

[1] We the undersigned ministers plenipotentiary & Envoys Extraordinary of the United States to the French Republic hereby engage to guaranty in the part of the United States, by virtue of the within powers any sum or sums of money not exceeding the amount of ten millions of livres, which the house of Hope & Co. may pay in advance to the Government of France on account of the Convention between that house and the French Government for the purchase of the stock to be created by the Congress of the United States in compliance with the treaty and Conventions between the said United States & the French Republic, for & in consideration of the cession of Louisiana to the former by the latter power, which treaty & Conventions bear date on the 30th of April of the present year. The object of this guaranty is to indemnify the said Company in any payment it may immediately make by anticipation or otherwise to the Government of France, of any sum not exceeding the said amount of ten millions livres for the purchase of the said stock, by said Company of said Government, to be created by the United States on the principles & in compliance with the treaty & Conventions above mentioned.

further into the topic. Happily we are at present but little interested in them, & I hope we shall continue to be so.

I wish you to forward the Memorial respecting Mr Beaumarchais' claim to the Secretary of State; we omitted doing it according to our promise to Genl Dumas. I have forwarded the letters I brought over for you to our Gov^t^, as I did those delivered me by Mr Baring. I shall pay like attention to any others you may send.—I am Dear Sir with Great esteem Your very ob^t^ serv^t^

TO THE SECRETARY OF STATE.

LONDON August 31st 1803.

SIR,—I was presented by Lord Hawkesbury to the King on Wednesday the 17 ins^t^, who received me with attention. The audience, according to usage, was private, no other person being present. I endeavored in a short address which the occasion invites, is always expected & I believe made, to do justice to the amiable policy of our government to Great Britain. I informed his Majesty that I was instructed, when I should have the honor of being presented to him, to express in strong terms the desire of the President to maintain the best understanding between the two nations, & his intention to cultivate it, by a conduct the most just, fair and honorable on his part. I adverted to the motives of interest that are felt and acknowledged in favor of that policy by the United States, which I observed we presumed & hoped were

reciprocal, and added that I was happy to be the organ of sentiments which it would be the object of my conduct to exemplify. His Majesty replied that nothing was more reasonable than what I had said: that since our revolution he had taken an interest in our welfare & wished our prosperity: that the motives to a sincere & constant friendship were many & strong, such as having the same origin, speaking the same language, great commercial intercourse &c. The sequel of his conversation which was generally on American affairs was in the same spirit of conciliation. The reception appeared to be intended as a favorable one & I did not fail to shew that I was not insensible of it. As soon as an opportunity offered I presented him my letter of credence and retired.

In the early part of the day I had some conversation with Lord Hawkesbury on the subject of our late treaty with France, in which he asked me what were the bounds of Louisiana. I spoke of its western & southern limits as being undefined, otherwise than as bounding on Mexico, but observed that we were of opinion that it extended eastward to the river Perdigo, or to the antient limit of East-Florida and comprized of course West Florida. He seemed to be struck with the remark, but not in a manner to excite a belief that he wished it were otherwise, for he immediately added that East Florida would soon become ours also. I told him we hoped and expected that it would. I thought it proper to express myself frankly to him on this subject, since a knowledge of our own views might dispose this Government not to

interfere with them: tho' indeed I have no reason to suppose that it contemplates any measure in that quarter having such a tendency. I do not think that G. Britain is desirous of adding to her possessions on the American Continent; I am satisfied she will not attempt it at the expense of a collision with us. The aggrandizement of France there was calculated to excite her jealousy, from many considerations which are not applicable to us. On that account our acquisition of Louisiana must have been satisfactory to her. It is probable however that she had fostered the expectation that it would not have been so easily acquired, but have become in the pursuit a cause of serious contestation with France, from which she might have derived some advantage in the present juncture. If such hope was entertained, its disappointment may have drawn after it some degree of mortification; tho' none of resentment towards us, since we gave her no occasion for it. Our government pursued its object with our own means, in an open, direct & manly manner with the power interested, & succeeded. It made to Britain no deceptive overtures, no false professions, & has therefore nothing wherewith to reproach itself in the transaction, nor can she reproach it with anything. Under such circumstances her Government must in candour admit the delicate propriety of our conduct, towards her, while, I am persuaded, it finds, in the result, a sufficient motive to applaud the wisdom of the measures which produced it.

In consequence of a late application from M[r]

Marbois I have executed an act of guarantee in favor of Hope & C° for ten million of livres, on which, if Mr Livingston joins in it, the French Government will be able to command that sum of that Company on account of the stock to be created under our treaty with France. It was understood in the commencement of the negotiation by Mr Marbois, and in every subsequent stage, that I would (so far as depended on me) give such a guarantee, which idea was again suggested on the 7th of June as you were apprized in my letter, if it should be desired by his government. It was therefore impossible for me to refuse it on the late application, especially as I could see no objection to it, of such weight, as to counterbalance the arguments in its favor. I consider the measure, if carried into effect in the manner proposed, as making perfectly secure the cession of Louisiana to the United States. This government cannot object to it on principle, if it was disposed so to do. But I cannot conceive that it is so disposed. The strong manner in which it expressed its approbation to Mr King of the cession in reference to Great Britain proves the contrary, and it is fair to infer that it must also approve whatever is done within the scope of the treaty to confirm & secure its execution on the part of France. By Mr Livingston's letter to me it appears that he has shewn a disposition to throw the whole responsibility of this act on me, from which I am not inclined to shrink so far as it is properly attributable to me; tho' in my answer I took occasion to intimate that I did not fully accede to his doctrine. I have transmitted

to him the instrument with my signature, which, if executed by him will be effectual to the object intended by it. Had it not been for the incident communicated in our joint letter of June 7th this measure would most probably have been avoided, for had there not been a new motive the intervention of the war might have furnished an excuse for declining it. That incident shewed clearly to Mr Livingston and myself that the object was insecure, & that any of the ordinary casualties to which public events, indeed all human affairs, are subject, might jeopardize an interest of the first importance to our country; on which so much anxiety had been felt, so much exertion bestowed; at a time too when it was thought to be completely attained. I own I felt strongly the force of that danger & was desirous to avert it, at the hazard of any responsibility to myself; for it is to be observed that this act is not the act of our government, which is of course not responsible for it; but strictly my own unless Mr Livingston is willing to participate in it. If the treaty is not ratified in time that casualty will be guarded against: if it is, the French government will command, on rather better terms than it might otherwise do, a small portion of the consideration given for the territory a month or two sooner than it might do in the ordinary course. In neither case will it cost the United States a single cent. It is only in the event of a total rejection of the treaty, and the failure for the present of all amiable compromise, that the guarantee can become a charge to the United States. Even in that case,

which I deem an improbable one, it is to be presumed that the lien which such a payment would give us on the territory, by excluding the pretentions of other powers & weakening those of France, would be worth what it costs us. On a full view of all circumstances I think the measure a sound one. Be that however as it may I have adopted it and the calm influence of my judgment, with the best intentions to the interest of my country, & am perfectly willing to take the responsibility of it.

In a permanent view I consider this event of vast importance to G. Britain, since it may open to her manufactures & shipping at our own expence all the ports of the Mississippi: since it removes France from a command of the gulph of Mexico and perhaps of all the adjacent islands. She ought therefore, & I presume does in that view, rejoice at this event & at whatever gives stability to it. If this affair is happily concluded it will I trust go far to terminate our political connexions with Europe, by placing us beyond the reach of her powers. It secures to us every thing which is essential to the sovereignty of our Country, to the peace, prosperity & happiness of our people. We shall I think cease to be, from that moment, in a great measure the object of intrigue or solicitude to any of them. The accommodation shewn us by France, by that event, on a calm appeal to the interest & wisdom of her Councils, under the guidance of a chief who is certainly not wanting in political firmness, is a strong proof of the idea entertained by that nation of the growing importance of the United

States. It is to be hoped & presumed that other powers will profit by the example, & leave us to the undisturbed enjoyment of those blessings which we so highly merit. The period therefore may not be remote when our pacific system will be placed on a solid & secure basis; when that strict & impartial justice & respect for their rights which we observe in our intercourse with other nations, will be reciprocated to us by them all. This happy state of things is certainly within the reach of the United States & I trust that they will not fail to attain it. I am, Sir, with great respect & esteem your m: ob: h: S:

TO THOMAS JEFFERSON.

LONDON, Sept 20 1803.

DEAR SIR, — I send you by M: Law a book by M: Williams of this place who was presented to me by M: Barlow, as an old friend of D: Franklin. He appears to be a well informed worthy man. If you chuse to answer it I will present the answer. He stood ill with his gov: some years since, but is on tolerable footing with it now. Your answer if you send one will certainly be spoken of, tho' I presume not published, as he is a prudent man. If you chuse to give thro' me a verbal one I shall be careful to deliver it in a suitable manner; I see no impropriety in either course, and well know that he would be gratified to receive a line from you.

I had doubts on my arrival in France whether your correspondence with certain characters there produced

a good or ill effect, and hinted the same to you. I had no doubt before I came away that on the whole it was useful. I am also persuaded that the continuance of it on literary subjects only will be useful. The national institute is perhaps the strongest body in France, the Executive excepted. You should stand well with that body, and it appears to me important that you preserve your footing with it. Under its present organization it is less independant than by its first institution; yet it has an influence in France which is powerful. Lacepeda, Dupont Nemours, Volney, who are your principal correspondents, have characters which secure anyone with whom they correspond from compromitment. They have the highest respect & attachment for you, and are delighted with your attention. I am convinced that the French gentlemen who have been in America, who retain in general a strong affection for the country, have & do promote by their opinions & exertions, the common interest & good understanding which subsists between them.

I saw Gen^{ls} La Fayette & Kusciusko often. They are the men you always knew them to be. La Fayette has the same ardor that he had when he began the French revolution while you were in France. He had unfortunately dislocated his thigh in its junction with the hip, and experienced unexampled sufferings by the application of a new invented machine, which surgeons thought necessary to his cure. The prospect, tho' doubtful when I came away, was in favor of his perfect recovery. I have not heard from him

since. Kusciusko lives near the barrier St. Andre not far from St. Antoine, where he cultivates his own garden. Col: Mercer & myself on our first visit found him returning from it with his water pots. He thinks seriously of returning to the U States.

I have declined writing you, as I should have done frequently, had I not thought it better to continue the communication uninterrupted, publick and private, thro' Mr. Madison. It was of the same advantage to you as if I had written to you, without the inconvenience of hasarding a compromitment of you. My communications to him by Mr. Law are so full as to leave nothing for me to add here. Mr. Law will give you the state of the war and his forebodings of distress to this country, which seem to be not altogether visionary.

We are very anxious to hear what has become of our friends in Albemarle. Mr. Randolph I see is in the H. of Reps., as is Mr. Eppes. How are Mrs. Trist & family & where are they? Col: Davis, Mr. Divers & families? Peter & Dabney Carr & families, and how are other friends?

I have had as you have seen a laborious and in some respects very difficult service since my arrival in Europe. My health has not been at all times good; indeed I have had a severe shock or two of short continuance: from which I appear at present to be perfectly recovered; tho' I have learned to respect the council you gave me a year or two past, & to be more on my guard. I have exerted my best energies in the cause in which I came, and shall continue to do so,

till I get back. If I contribute in any degree to aid your administration in the confirmation of the just principles on which it rests, & promotion of the liberty & happiness of my country, it will prove in more than one view a delightful mission to me. My family unite in their affectionate regards to you and yours. With my best wishes for your health and welfare I am very sincerely your friend & servt.

TO THOMAS JEFFERSON.

LONDON Sepr 28. 1803.

DEAR SIR,—Mr Halsey, a respectable citizen of R. Island who has been some years in Europe, will have the pleasure to present you this. He has been introduced to me as a young man of merit, of the best connections at home, and expressing a desire of being known to you, I take the liberty of giving him this letter stating his pretentions in the light, they have appeared to me, and to add that what I have known of his character at Paris & here, justifies the introduction given of him by his friend there. I am happy in the occasion of renewing to you the assurance of my great respect & esteem.

TO ROBERT R. LIVINGSTON.

LONDON Oct: 9. 1803

DEAR SIR, — I was favord with yours of the 11th Ult^{o} on the 3^{d} instant by the mail from Dover. It is to be regretted that such a letter was put in the mail,

as I believe that letters from France are generally inspected tho it is presumable that this may have escaped that fate as it had no mark of violence on it. Mr P's motive was a desire to hasten it to me he being detained at Dover for a passport to permit his coming here. I mention the circumstance that you may be careful to instruct those to whom you may confide future letters of consequence to deliver them in no event to any one but myself. This precaution is the more necessary as Mr King did not leave his Cypher for me.

Whether either of us failed in our duties to the public or each other in our late political relation at Paris is a subject which perhaps ought never to be discussed anywhere, especially on this side the Atlantick. I shall only observe that if such a discussion becomes at any time necessary it will be owing to you & not to me. I have had but one object in view which was to obtain & secure on proper principles the cession of Louisiana to the U. States, & it is in my opinion our duty to think of nothing else till that is accomplished. It was owing to a disposition shewn in your letter by Mr Baring, without date, not simply to decline all responsibility respecting the guaranty in question but to subject me to all the embarrassment which the case admitted of that I thought it incumbent on me to go back further into that transaction, & to remark that had my power over the subject been single as it appears by your letter to me you had intimated to Mr Marbois that it was, I should have used it in the treaty by making a direct payment

to France of the sum destined to that object by our instructions. I am aware of the delicacy of Mr Marbois on that point, whose conduct thro' the whole of the negotiation merits high commendation, but I am of opinion that such an application was practicable, that it would have been useful & that had my power over the sum been single it would have been made. I well remember when we first read our instructions together, you remarked, that we must apply the sum subjected to our order to our creditors, & on my observing that our instructions had destined it to a different object, that you assured me that we could make no application of it which would be so acceptable to the French government. However I repeat that I wish no discussion with you on this or any other point, that I adverted to what had passed not to criminate you, since a provision for our citizens was a duty, but to exculpate my conduct from a censure you seemed disposed to bestow on it.

It appears by your letter of the 11th Ult^o^ to be your opinion that we have not the power to make the guaranty proposed, that there was no motive for it at the time I suggested the idea, & that it would produce no effect in securing the cession against the casualties for which it was intended to provide, being as you say a mere act of generosity which would impose no obligation on the party receiving it. I entertain a different opinion on all these points & as I conceive on the most solid grounds. As to our powers to make a guaranty of the sum in question I have no doubt on that point. That sum was subjected to our

disposition for the express purpose of being paid to the French government in consideration of any cession it might make to the U States promptly & without reference to our government. It was a power to be exercised independant of the ratification of any treaty we might form. A confidence was reposed in our integrity & discretion for the faithful & useful application of that sum to the object for which it was intended. The treaties which we formed which are subjected to & are forwarded for the ratification of our government are not a discharge of that power. A stipulation to create stock for the payment of what becomes due to the French government, & that what it owes to our citizens shall be paid on your draft after the treaties are ratified by our treasury, cannot in either case be considered in that light. There is no parallel between the cases, the object of the appropriation, the time of payment, the amount, the condition, & the mode are altogether dissimilar. We have it is true stipulated for a greater sum than we were authorized to give, but the extent of the acquisition will we presume justify us for so doing. The treaties are before our government subject to its approbation or censure. Our power over this fund still exists & may in my opinion be used under our discretion, on our responsibility, in the mode proposed, for the purpose to which it was originally destined. To secure the execution of the treaties on just & fair principles, against casualties either not sufficiently provided for, or about which disputes may possibly arise, is as useful & legitimate an exercise of the power as to form

them and the application of the power by way of guaranty which draws no money from the treasury & most probably never will it seems what we have done is to get the responsibility of which I have no hesitation to meet.

That you as well as myself once thought the occasion was of imminent danger is sufficiently evident by our joint letter of June 7th. tho indeed that letter conveys but an imperfect idea of the impression which existed on your mind at that time. You may recollect that so great was your apprehension and excitement then that you were disposed to ask of Mr Marbois explicitly whether his government intended to get rid of the treaty, & to intimate that if a satisfactory answer was not given us, that it would be proper for me who would have nothing further to do here, to return to the U. States, to give an account of what had occurred: a measure which might not simply have terminated the discussion but even have produced a rupture. Surely you would not have been disposed to take that step had you not thought that the occasion was sufficiently important to justify it. But you now say that the *little* difficulties which had existed *were removed* when I intimated my willingness to make the guaranty. That the difficulties were not of that light character is already shewn: How then *were they removed?* By the French government withdrawing the correspondence, and giving an order to the same effect to Mr Pichon thereby taking the *course without our consent*, to which it wished us to consent. By that measure the form of the difficulty

was changed but the difficulty itself remained; I was with you much pleased that the correspondence was given up, but still we were both of opinion that the cession was not guarded by the measure which was substituted to it, against the casualties to which we thought it was exposed, & the consequences which it seemed were likely to result from them as appears by the postscript to our letter of July 7th. It was under a strong impression of that sentiment that I expressed a willingness on my part to promote in the manner proposed the early payment of a part of the money stipulated for the cession, to the French government in full confidence that it would produce the good effect that was contemplated by it.

I am equally confident that the guaranty & the acceptance of the money under it would produce the desired effect; I am far from thinking that a guaranty under such circumstances ought to be considered merely as an act of generosity which no government merits, & of which we & those who might respect it in the present instance would be the dupes: I should deem it an act which carried with it a much stronger obligation, than any ordinary treaty stipulation. It is binding as you admit, in honor: it is equally binding in law. What were the pretensions of the French government after the treaties were formed which constituted the difficulties in question and induced us to apprehend that it might be disposed to take advantage of casualties to set aside what had been concluded? The fear of delay in the payment of the money was the motive given for them. We denied

those pretensions on the principle that no delay but such as was occasioned by bad faith would justify such a measure. The French government then took another course whereby it relieved us from the pressure. If the money is accepted on our guaranty after that discussion, when all its pretensions founded on an assumed state of things are unfolded, will it not be considered in law as well as honor an abandonment of those pretensions? It is I believe admitted in all transactions that a partial payment tends to confirm a contract & to strengthen the obligation of the other party to fulfil it. But in the present one it would in my opinion impose an obligation of a much stronger & higher character on the government of France; by avowing its pretensions and views on a supposed event it is confined to those strictly should it occur, & by accepting as an act of good intelligence from our government an accommodation which more than amply satisfies those pretensions even were they well founded, it is precluded by the strongest obligations, legal moral & honorary from reviewing them afterwards. Our conduct on the occasion will I presume be thought proper, firm tho' conciliatory;—We denied the pretensions of the French government, conceded nothing, without giving cause of irritation. While the discussion lasted it would have been improper for us to have offered anything even as an act of friendship, but as soon as it ended that restraint likewise ceased; we were then at liberty to consult the means that were necessary for the welfare of our country, & it was equally our duty to adopt those that were

likely to promote success in the objects intrusted to us in respect to the new difficulties as in the original grant. I own that I was strongly impressed with a belief that this was the precise time when some such offer ought to be made, being the moment when it might be done with honor to ourselves & accepted with equal honor by the French government, & that I also considered it as especially our duty to make it with a view to relieve our government from the embarrassment to which it might possibly be exposed & secure the compleat & harmonious execution of the treaties we had concluded under its authority.

But you seem to suppose that because the proposed guaranty will be posterior to the treaties it can have no effect; that we have not the power to make it. This doctrine makes the substance yield to form: it has been already shewn that the power has not been exhausted or withdrawn from us by the treaties: It therefore exists & may be applied in the manner proposed in support of & to give effect to those treaties. We might I presume have stipulated a prompt payment of that amount in the treaties, & complied with it without reference to our government. May we not then on the same principle exercise the power at this time in a manner equally useful, which is also much less burthensome to our country? It is a sound doctrine in law as well as in logic that the major includes the minor, that a power to pay 1000£ is good to pay 100£, that a power to pay money is good to perform any act within its extent, less onerous, which produced the same effect. Equally far I am from thinking that

this act would subject our government to embarrassment by compelling it to ratify the treaties if it disapproved them. If that objection had weight it would be equally strong against the use of the power altogether. It is sufficient to say that the grant of the power is an authority for the use of it & that it was made in the expectation it would be used. I am on the contrary decidedly of opinion that it would improve the situation of our government in many important respects. A partial payment alters the condition of the parties in reference to the object contracted for, it gives a strong lien on the property, it excludes the pretensions of other powers, weakens those of France and keeps open the door to further & amicable negotiation in any event which may occur. All these remarks are founded on the idea that the treaties may not be ratified in time which however I earnestly hope will not be the case. If they are all these difficulties will be at an end and we relieved in many views from much anxiety, & embarrassment.

It was not my idea when I had the pleasure to send you the papers with my signature, that its delivery to Mr Marbois if you approved the measure should be made dependant on any condition precedent to be performed on the part of his government such as the making a declaration that it would not take advantage of casualties if they occurred because I do not think that it would have a right to take such advantage as we both agreed when that question was depending, because the acceptance of the money alone without any condition or declaration whatever would

be on the principle above stated an abandonment of those pretensions, & lastly because in doing an act which must be considered under all circumstances attending it, confidential, friendly, & a strong proof of our desire to preserve a good intelligence with the French government, I would endeavour to preserve in the manner the spirit of the transaction. By prescribing a condition we seem to give a sanction to the pretensions which we have denied, to manifest a distrust of the fair dealing of the French government & to take from the act itself, its chief merit. My idea was that in your interview with Mr Marbois on the subject you should find occasion to intimate to him that a similar act of confidence & good intelligence on the part of his government towards our own would be well received by it, & that it would be peculiarly grateful to us to communicate the same. I do not presume that any thing has occurred to change the ground on which we stood for the worse since you received that paper, that any declaration has been made to you that notwithstanding the receit of the money they will take advantage of casualties or the like; your letter implies only that the first consul will enter into no condition precedent. I do not understand it as intimating a declaration on his part that he will express no sentiment of the kind desired after he receives the money, or what is of much greater importance that he will take advantage of casualties notwithstanding the receit of it. If we stand on the ground we held when you received the paper, I have no hesitation to say that I should be content & indeed wish, that it be delivered to Mr

Marbois unconditionally, in the manner above suggested. I send you a copy of my letter to Mr Marbois which I intended to have forwarded in my former communication. It is precisely in sentiment with the paragraph in mine to you on the subject of it.

As to the objection which you state to the measure in reference to this country I ought to be amongst the last to adopt it, as I certainly should be if I thought the objection well founded. But by the clearest conviction of my mind I think otherwise.—The authorities under which we acted, & the treaties made by virtue thereof were concluded before the commencement of the war, the power which it is presumed authorizes this act, was a portion of that authority, the act itself which it is proposed to adopt is not an encrease of the sum stipulated by the treaties, but directly within their limits, applied to the object according to the expectation of our government. It is a modification in the mode of payment adopted with a view to our own interest prompted by the strongest motives that can exist, a desire to secure from hazard the execution of our treaties. If the contrary doctrine was correct, would it not restrain our government from ratifying the treaties, since that also is an act which must be posterior to the war & from which money will accrue to the French government, would it not in short preclude any and every transaction between a neutral & a belligerent power under any circumstances on which money is to be paid to the latter & however burthensome the terms might be to the former? Transactions of this kind ought to be & will be

examined on their merits by the motives which led to them, & sufficient can be shown in the present case, fair, honorable & patriotic, to justify the act proposed to the impartial world; wonderfully strict would this government be if it found in this measure anything adverse or unfriendly to G. Britain: On the contrary we have sufficient reason to believe that it would approve the act if it was acquainted with it; you recollect that it expressed its approbation of the event, in strong terms in the most formal public manner as being favorable to G. Britain, nor can it be doubted that it had sufficient motive for that opinion. Had France taken possession of that territory she would have commanded the gulph of Mexico & with it perhaps all the adjacent islands. By transferring it to the U States complete security is given to the possessions of G. Britain in that quarter, with other advantages especially the admission of her ships & manufactures into the ports of the Mississippi, which latter cannot be too highly appreciated.

As to the anxiety to which this incident has subjected you I sincerely regret it, since nothing was further from my intention or expectation at the time than such an effect. It is useless to go back into the details of this occurrence further than to shew that the greater part of this dilemma and anxiety growing out of it to both of us is owing to yourself. Our conversations in every stage were according to my memory of them much shorter than you seem to suppose they were. When I first recounted to you what had passed in the interview with the ministers, but little

was said on it. That little impressed me with an idea that you were pleased with the offer & declension (as I thought was the case) of the guaranty, in which there was nothing extraordinary, since it was natural to presume that the manifestation of such a disposition on the part of our government might produce a good effect nor was it inconsistent with that sentiment that you should be willing that we should profit of it without exposing ourselves to the consequences of the measure. What passed afterwards between us was concise. When I communicated to you the fact that Mr Marbois was willing to accept the guaranty, I well remember that you expressed your disinclination to it & for some of the reasons mentioned in your last letter, but I had too much respect for you to urge it, & I am persuaded that no occasion was furnished for any strong remonstrances on your part against it. Your opposition to the measure (which I did not in truth then anticipate, for I concluded that the late occurrence had made at least as strong an impression on your mind as it had done on mine) embarrassed me much. The result however of much reflection on the subject was that it was best to leave France with the affair entirely under your controul. Mr Marbois had expected an answer from me on the subject which I declined giving because I would not tell him that you were indisposed to the object. It was to be expected as it happened that he would speak to you on his return to Paris, & it was then in your power to give this affair the course you thought fit. Had you acceded to it the

whole responsibility as it now is would have lain at my door. Had you been disposed to prevent it you might have done so, by stating to him your opinion of our powers, as you have since done to me, in which case I should most probably not have heard from him on the subject: But by stating to him that by our instructions one of us might act in the absence of the other, that I had the law & might perform what I had promised &c., he was not only permitted but encouraged to apply to me. Thus circumstanced it was impossible for me to act otherwise than I have done, because I approved the measure from publick considerations, because my refusal afterwards would have done real & essential injury to our country; I spoke when I mentioned the subject, of our power as being joint and of your disposition as being known to be friendly to the object & the nation. I do not admit the doctrine that the weight of a public Minister ought to be or can be lessened with any foreign government by his pursuing his duty & acting in all cases for the interests of his country as his judgement dictates. It was my wish to support your standing with the French government, not to injure it, as I thought I had given proof. I am no advocate for priority but am willing to render what service I can in any situation in which I may be placed. The object was a publick one and it was impossible that it should produce other than a publick effect. The treaty was concluded, it had gone to our government & we remained as centinels to watch over the incidents which might occur tending to disturb the

harmony of the two nations, & the confirmation of that pacific system of policy with Europe which it has been the wise patriotic & benevolent object of our government to establish, & which we have been in the present instance (I speak of myself only in that light) but feeble instruments in its hands to promote. I repeat my regret that there should have been any diversity of opinion between us on this point. Having harmonized in the great object of the cession it would have given me pleasure from personal as well as publick considerations to have done so in all respects in the concluding act. From the nature of the transaction I took on myself much responsibility, which it is far from my wish to diminish especially to your prejudice.

The power to which I alluded as authorizing the guaranty, is the act of Congress, & authorization of the President subjoined to it, which you say you told Mr Marbois I had with me, which I sent you by Mr Barlow who I think I requested to inform you it would be better to have copied, & to annex our act to a copy. Perhaps as I was much hurried when he left me that circumstance escaped me. Thinking as I do it is impossible for me to annex any qualification to the instrument.

I am with sentiments of great respect and esteem, dear sir &c.

TO BARBÉ MARBOIS.[1]

LONDON, October 10, 1803.

DEAR SIR,—I had not the pleasure to receive yours of the 25 Fructidor (12 September) till some time

[1] From Letter-book, Manuscript Division, Library of Congress.

after its date, or I should have acknowledged it sooner. A misapprehension of my idea induced Mr. Livingston to make a further application to me on the subject of my former letter to him, and in the interim to postpone any decision on the subject of it. I have explained myself very fully on that head to him, and doubt not from his known attachment to the objects of the late treaties, and to the best understanding between the two nations that he will unite with me in giving this testimony of the very friendly disposition of our government towards yours. My wish is, as I am persuaded his will be, to place the measure on terms the most honorable to the First Consul, and as we conceive most becoming and satisfactory to the President. I beg you to be assured of my very high and sincere regard.

TO ROBERT R. LIVINGSTON.

LONDON Octr 29. 1803.

DEAR SIR,—I have just received your letter by Mr Longumair dated Sepr 25, perhaps by mistake. I did not receive yours by Mr Pinckney till some time in this month, nor that by the gent^{n} from Embden till a day or two afterwards. I answered them as soon as possible by Mr Vanderlyn, who was unfortunately detained by the want of an opportunity to cross the channel, near a fortnight. I have heard nothing from our gov^{t} since I came here, which with you I attribute to the miscarriage of our letters. I believe the Senate & h. of Rep^{s} met together on the 17. ins^{t} of which however I have no other information than what is

gathered from the newspapers. I suspect the call of Congress was made on the receit of our first letter with the treaties, and could not well be altered afterwards on the receit of our second. I sincerely hope the treaties are ratified, and that we shall soon be informed of it. I presume my letters by Mr. Vanderlyn have gone fully to the objects of your doubts, and that you have found yourself at liberty to unite with me in the guaranty. I have always thought it an important measure, and been anxious to adopt it, tho' far from desiring you to do anything disagreeable to you. I shall send you the papers which have been published since Mr. Vanderlyn left me, and hereafter others as occasion offers. This government has the port of Havre in a state of blockade but no other port of France. Should I hear anything interesting from the U States, I will certainly inform you of it without delay. It is possible this may soon happen as I daily expect Mr. Purviance here as Secretary. I shall commit this to the care of General Mc. Pherson to whom I shall give a letter of introduction to yourself & family, of him & his daughter, a very amiable young lady, from So. Carolina. To the General & the papers sent I beg to refer you for the intelligence of the day.

I have this moment recd. yours of the 8th. instant. The most important parts of it are already answered above, and in the letters by Mr. Vanderlyn. The board of Commissrs. are responsible for their own conduct, not we. My opinion was and is that as soon as we appointed them & put the convention in their hands, they were independant of us, and the sole judges of

their powers. A contrary construction would degrade them into nothing, and make their institution an absurdity. This is the only point on which I feel myself at liberty to give an opinion either to yourself or the board relative to their duties or conduct, since be it what it might I should not think it in any degree obligatory on them. My own duties have here put it out of my power to examine any question which I was not bound to do. You must be sensible that I have much to attend to here, & that to fulfill the just expectations of our government with this, requires the utmost degree of circumspection & prudence. I most earnestly hope that a few weeks will give us the ratification of the treaties, and free us from all farther anxiety on this subject.

Spain still preserves her neutrality, nor is there any appearance of an hostile disposition in this government towards her. The publick however expect she will be involved in the war. Lord Moira is appointed to the command in Holland, with a view as is supposed to conciliate the Prince of Wales & strengthen the present administration. It is expected that M[r] Pitt will be decidedly in the opposition at the opening of the parliament, which meets the last of this month. It cannot be doubted that the questions which will be discussed there will be highly interesting to the nation & perhaps to Europe & America. I have no cypher but will make one when M[r] Purviance arrives & send it to you. Present our best respects to your Lady & family & believe me with great regard dear Sir sincerely yours.

TO THE SECRETARY OF STATE.

LONDON November 16th 1803.

SIR,—Within a few days past I have received your letters of the 29. of July, the first addressed to Mr Livingston & myself, the second to me singly, with separate letters to him and Mr Pinckney, and also your letter to me of the 29. of September. These are the only communications that I have recd from you since my arrival in this country. The letters to Mr Livingston & Mr Pinckney shall be immediately forwarded to them. Your last letter to me I have decyphered; the first is not yet finished. Being yet alone, Mr Purviance not having joined me, and other business pressing me, will probably put it out of my power to do it before this is forwarded, tho' I perceive by the last letter that it is not very material at this moment, since its contents are applicable to our interests in another quarter. I see very clearly the propriety of the injunction not to proceed to Spain till I receive the further order of the President so to do. I could not pursue the object depending with that power, with advantage, till the affair with France is completely adjusted, & the assurance of that government given to support the negotiation. There seems also to be a propriety in my remaining here steadily some months longer to give this government a suitable impression of the just views & correct policy of our own. If I pass over to the continent at this time or shortly it might excite suspicions here, which could not be advantageous to us with this government, whose situation makes it alive to every incident

of the kind. It is also possible that circumstances may occur, after our treaty with France is known, to invite explanations on topicks connected with it that may be necessary and useful. I flatter myself that by the spring our affairs will stand with both these powers, on that amicable footing, that each will chearfully instruct its minister at Madrid to give what aid he can in support of our pretentions with the court of Spain. The interval will enable you to decide with greater satisfaction whether, and when I ought to proceed there, and what ought to be the precise objects & conditions of any treaty which might be formed with that power.

Since my last I have conferred with Mr Addington & Mr Yorke generally on the subject of our relations with this country, on which occasions I have endeavored to impress them with just sentiments of the amicable policy of our gov^t^ towards G. Britain. I have gone into no particulars, such as the conditions on which our treaty ought to be renewed; whether it is considered as expiring with reference to the preliminary or definitive articles of the late treaty of peace, or indeed any other precise object of the kind. I expressed the desire of our government to be, to preserve by a fair & impartial conduct towards this & other powers, perpetual peace & amity with this nation. I assured them that that relation would never be disturbed by any improper act on our part; & while I acknowledged in suitable terms the general conduct of his Majesty's government towards the U States as being amicable & satisfactory I took

occasion to intimate, that some outrages had been committed by the impressment of our seamen, which I was persuaded the government would see the propriety of enquiring into, & would give such orders as would prevent the repetition of. Those gentlemen assured me that their government was disposed to do everything in its power to satisfy our just claims in that & every other respect. I am assured thro' another channel that orders have been issued for the admiralty in conformity with the sentiments which they thus expressed.

You will observe by the papers which accompany this, that it is reported here that a negotiation is depending between the U States & G. Britain for the renewal of the treaty of commerce of 1794, which is represented to be conducted in a high tone on my part. This report has produced much sensation in the commercial world, and furnished proof that any collision with us, would be deemed a real misfortune to the nation at this epoch. I have taken no notice of it, otherwise than by remarking that nothing had ever passed between this gov^{t} & myself, that was not on both sides, of the most friendly & conciliatory nature; and that I was persuaded nothing would occur to disturb the harmony & good understanding subsisting between the two powers. I am Sir with great respect & esteem your very ob^{t} servant.

TO JAMES MADISON.

LONDON Novr. 25. 1803.

DEAR SIR,—Since my publick letter of the 16. I have rec^d. y^r. private one of July 30th. with the originals of those of the 29th. They were sent from Paris by M^r. Livingston who expressed his satisfaction to find that our conduct had been approved in the great outline and surprize at the intimation it conveyed of a wish that the money intended for France had been so applied. He had not then (28. Oct^r.) rec^d. mine of which copies were sent you by M^r. Mercer. M^r. Vanderlyn to whom they were entrusted was detained a fortnight by head winds; he must however have delivered them a fortnight since so that I may expect soon to hear whether M^r. L. has joined me in the guaranty, as I presume is the case. I have lately rec^d. a letter from M^r. Marbois, of which I shall enclose you a copy, on that subject. M^r. L., as you have seen, has given offense to both these gov^ts. His memorial has had that effect here, and his refusal to unite in the guaranty, cannot have been well rec^d. by the others. Nor can he have reason to applaud his foresight for his conduct in the latter case, unless the measure sho^d. be known, and disapproved by this gov^t., which is not likely to happen in any possible event. It cannot happen, unless by uniting with the enemies of the present administration in America, measures sho^d. be taken to prompt it to express such dissatisfaction: tho' I do not think that even such an attempt would succeed. The measure stands on too strong ground to be assailed in any mode, this gov^t. has expressed

itself in terms too explicit in favor of the cession as it respects G. Britain, to be able to complain of any measure within the limits & principles of the treaty which we might deem necessary to secure its execution; the circumstances of this country at present make it in a high degree the interest of its government to preserve a good understanding with us: I think a rupture with us would overset any administration. In addition to these considerations I have reason to think that this govt begins to see the folly of connecting itself with any party in America. It must perceive that it can preserve the most favorable relations with the existing govt of our country that a just regard for its rights & interests will permit; peace, friendly intercourse, equality with other powers &c. More it ought not to expect and certainly cannot obtain, of any description of men in power in America, whatever its disposition might be. I think these truths are gaining strength daily here, & that with them, & the effect they are likely to produce, the folly & unworthyness of our former measures will be better understood by our people. We dined the day before yesterday with Lord Hawkesbury, in company with Ld Castleray also of the ministry & others. The cession of Louisiana was introduced by those two, on which occasion, I told them the substance of the treaty with France, they asked me whether there was any general restriction of British commerce in favor of France. I told them there was not: that G. B. & France stood as they did before on equal ground in every other American port; that the treaty touched

only the ports of the ceded territory and exempted France there only from foreign duties for 12. years, that G. B. wo^d^ be admitted in them as in the ports of Delaware &c. They admitted that it was just & furnished England no cause of complaint. I told them I thought we had urged the interests of England by opening s^d^ ports to her, to which they seemed to assent. Ld Castleray observed that we had had an alternative mode of obtaining the territory; I replied that we knew that, but that we had obtained it on infinitely better terms and more to our satisfaction; that we had even rather pay the value for the territory than obtain it by force at less expence, since a property gained in the latter mode was never desirable. It was manifest that these truths were clearly understood by them. Ld Castleray asked what had induced the French gov^t^ to make so great & important a cession? I replied from views of policy; that they must have seen that the possession of it would involve them in quarrels which they thereby wisely anticipated and prevented. In every conversation which I have had with those in power here, it appears that they consider it as the most glorious attainment for our country, the effect of a masterly policy in its government. Those with whom I am not acquainted who are most eminent and especially Mr Pitt is reported to have spoken of it in the same light. It has unquestionably added greatly to our national character & political importance in Europe. In the above mentioned conversation Ld Hawkesbury told me that there was only one thing they had to complain of

which was the passage in the memorial referred to, on which subject Merry[1] wo^d speak to you. I replied that that was written a year ago &c. With respect to this old friend I have only to observe, that I have had but one opinion and wish since my association with him, it has been to put it out of his power and those about him to give an improper character to a particular transaction, to the injury of others & true principles, and that being done that he sho^d be treated with the utmost kindness possible: that attempts if they were clearly seen sho^d pass unnoticed, that is that they sho^d not be resented, not simply by leaving him where he is (a strong motive in me to come here) but that considering them as weaknesses a kind of general indulgence should be shewn them. It is only in case that he takes a new attitude, and becomes either personally, or in the hands of others, an enemy to the cause that these things sho^d be developed & placed in their true light to his disadvantage. By this I do not mean that facts sho^d be withheld, so as to leave the misrepresentations of Swan &c. in force. The true cause of the effect ought to be known, and for that purpose a distinct & candid statement of facts given, either in conversation or otherwise, which may be done without reference to him, & I presume is done. I wish him to return home sensible of his errors, repentant of them, & grateful to the gov^t for its kindness towards him. He talks of returning in the Spring & his object it is said to be the V. Presidency: it would be better that he would remain till the

[1] Presented credentials November 29, 1803.

Spring following, but if he is pressed so to do, he will infer much in favor of his importance. I give you this hint that you may judge, on a view of every material circumstance, how to act in the topick to which they refer.

You will see by the gazettes that there is much discussion in them ab^{t} the renewal of our treaty of 1794 & the general opinion seems to be that the subject is in negotiation, the untruth of which you well know. The paragraph in the herald is believed to be by authority of the gov^{t}. I own I am strongly impressed with the sentiment that we had better make no treaty at present. We can get everything without one that we could with one; and while nothing is done we give no cause of complaint to the other powers & remain unfettered spectators of events; profiting in the meantime of our more happy & imposing situation, & able every succeeding year to make better terms than in the preceding one. This is however for you to consider. If such sho^{d} be the sense of our gov^{t}, it is submitted whether it ought to be known. While it is unknown there is no compromittment. A friendly deportment is all that any power has a right to expect. There is always an expectation attendant on the movement of a great power which is increased by reserve. My more particular motive however in suggesting the idea is a design that no species of agreement sho^{d} take place which might tend to compromit us with either party. There appears to me to be several weighty objections to entering into any treaty at present; 1st we are not likely to obtain

one that we ought to accept without taking an hostile attitude which would do us more harm than any treaty would do us good. 2d. That West Indians are in a course of revolution, and I should not be surprised to see all the European powers driven from them by the blacks in the course of a few years. 3. In the case of neutral rights we are & promise to be too well treated in the present war, to justify any particular pressure from us on that acct. Europe is also in an unsettled state: that question may be kept in view and attended to at proper times & in a suitable manner. Not to sacrifice it, is doing much more than our predecessors did. Britain does not expect such a sacrifice of our present admn, but will I think act in such a manner towards us as to keep the question ought [out] of sight. And under such circumstances France will have no cause to complain. The President will however weigh all things appertaining to the question & do what seems best. You will especially instruct me whether I am to ask for the discharge of French prisoners taken in our vessels on the principles of the treaty; to inquire whether its principles will be regarded in our commerce with the W. & East Indies &c. I shall present in a few days a note to the govt respecting impressments founded on a report from Mr Erving, who is a most diligent & capable officer, and accommodates the form of the report to my own views, in which we perfectly agree.

With respect to my trip to Madrid I have but little to add to what I have already said on the subject. I

think it presumable that in a few months, our affrs will stand on such solid ground here, that my absence could not be injurious to them for the time requisite. The govt will decide how far it will be prudent to make the experiment with that power, admitting that it may be done under the promise of support by France renewed, and a similar good will promised by this govt, supposing it proper to intimate a willingness to accept it. If I go how wod it answer to appropriate the vacant land in the ceded territory, at the price given for our other lands, or such higher price as it wod command to the payment of all debts due by Spain to our citizens, exclusive of those she has heretofore been willing to pay; appointing a board to settle them. The time of going especially in case of success seems to be material. It would add much to the credit of our govt, if during one presidency the acquisition of this territory could also be made, & all our citizens having just claims on Spain satisfactorily provided for. If I went I shod wish to set out in April or May, and I might hasten or delay my residence there, according to circumstances and as you might advise. I have already informed you that the compensation which I receive is inadequate to the necessary expences: in truth that I am already in advance, or in debt, for a greater sum than I applied, of what I received before I sailed, to my private engagements, without which it would have been improper for me to have sailed. If I go am I to take my family with me or leave them here. If the latter it will cost nearly as much as if I staid myself; the

house rent, & many other expences will be the same & consume the salary; at Madrid I sho.d live at my own expence. My wish would be to take them to S.t Germain & leave them there, while I went to Madrid, where they wo.d be with M.dm Campan, at less expence & great propriety. Here it would not look so well for them to go into lodgings. If I go I should hope that either the outfit be allowed for the two missions France and Sp.n, or half the outfit for the first, & the whole expences attending the other, or that I be allowed what M.r Pinckney's trip cost the U States which I sho.d be willing without knowing the amount to adopt as the rule. The price of everything in this place & in France has doubled since that time, owing to different causes applicable to each place. The expence of this surpasses anything I had an idea of. If I do not go I hope that half the outfit will be allowed for France, & that I be allowed to replace the balance of the money advanc'd me in America on my return home. The outfit here with that accommodation will relieve me from much embarrassment. It does not suit my place to ask or accept of private favors. I might easily obtain them of our bankers, but I do not wish to owe them such an obligation. In my last I intimated to you my wish to return home next fall, which it wo.d be most agreeable to me and my family to do; but on consideration since it has occurred [to me] that it may be proper for me to remain till the Spring afterwards. These considerations if they have any weight will likewise occur to you. In that case I shall not hesitate to do it. I hinted formerly that an

attention to Major Butler wo^d^ I thought be well rec^d^ & produce a good effect. I have hinted it to no other person and I have no reason to suppose that he thinks of it. I hope that some strong character will be bro^t^ forward, in case the constitution is altered, for the V. Presidency; Clinton or Jarvis seem to have prominent claims. It is only by presenting such that the publick opinion can be brought round in that quarter.

I enclosed you the estimate, or prices paid for our plate in France, by the man who made it. Any injury will be of course allowed for, and at y^r^ leisure the am^t^ paid to Genl Mason of Georgetown. What other articles if any which you rec^d^, may be valued by Mr Jefferson, & the amount also paid to the General. I had other things to mention, but find I have not time. Be so good as present our best wishes to Mrs Madison & family & believe me sincerely y^r^ friend

TO THE GOVERNOR OF VIRGINIA.[1]

LONDON, ENGLAND, Nov. 29, 1803.

I recollect that while I had the honor to serve the Commonwealth in the Executive, it appeared that there were many cases of contestation between the State and British subjects, growing out of our revolution and treaties with this country for tracts of land and lots lying in several of our counties and towns, some of which were of great value. Several of those controversies were of long standing and attended with great expense, while the result was quite uncertain.

[1] From *Calendar of Virginia State Papers.*

It has occurred to me, that it might be advantageous to the State to compromise these disputes with the parties by the purchase of their claims for some reasonable equivalent. It is presumable that they would prefer selling them at a very moderate price, a half or less of their value to be paid by instalments, which might be satisfied out of the lands alone, to the prosecution of a doubtful controversy which keeps them so long, even in a case of favorable issue, from the possession of the property. It might also be more satisfactory to the State to adjust these controversies by amicable compromise, than by legal decision, since the former is a mode that will content every one. If the State is disposed to adopt this mode, and thinks proper to repose the trust in me, I will accept it with pleasure, and undertake to execute it in the best manner in my power. I shall wish no compensation for the service; my sole object will be to render myself useful to my country, and my highest gratification to succeed in the undertaking.

There are probably many cases of the kind not known to the Executive, or even brought into the Courts, where the property is either vacant or held on various pretexts for the benefit of the occupants or absentees. In case the subject is entered on, it may be deemed advisable to go through with it, and in that view to trace the cases in every county, which may be done by the Escheators or other suitable agents. If the power is transmitted, it will be proper to accompany it with a statement of the title to each tract, the number of acres, its probable value, etc. My public

duties will probably put it out of my power to execute this trust in person in the details. Where necessary I will appoint an agent, whose charges shall be as light as I can make them, and in all cases I will supervise and be responsible for his conduct. It is possible that by this measure, a considerable sum might be raised for the Commonwealth. Besides the cases depending in the Courts, which are deserving of attention, I remember one from Norfolk, of which information was given by Mr. Lee, who represented it to be of great value. In every instance where the party had received compensation from this Government, on the principle that the property had been confiscated, I should suppose that the claim might be extinguished for a mere trifle. It may be deemed presumptuous in me to express a wish as to the application of the money which may thus be raised, in case the idea is adopted and executed with success. The wisdom of the Legislature will, I doubt not, destine it to some humane and useful object. Had I a seat in the Legislature and a vote on the application, it would be to the purpose of public instruction. It is an opinion which I have long entertained, on which every day's experience and observation tends to confirm, that however free our political institutions may be in the commencement, liberty cannot long be preserved unless the society in every district, in all its members, possesses that portion of useful knowledge which is necessary to qualify them to discharge with credit and effect, those great duties of citizens on which free Government rests. The responsibility of public servants,

however well provided for by the Constitution, becomes vain and useless if the people in general are not competent judges, in the course of the administration, of all the questions which it involves. If it was wise, manly and patriotic in us to establish a free Government, it is equally incumbent on us to attend to the necessary means of its preservation. The money thus raised, might form the commencement of a system, which under favorable auspices, especially the humane patronage of the Legislature, might be matured hereafter and extended throughout the Commonwealth. You will excuse the liberty I have taken to make this suggestion, and be assured that it will give me great and sincere pleasure to have it in my power while I remain abroad to render service to my country and my friends in this or any other mode in which they will be pleased to command me. Be so kind as to present my most friendly regards to the gentlemen at your Board, and believe me to be, dear sir, with great respect and esteem, Affectionately yours, &c.

TO THE SECRETARY OF STATE.[1]

LONDON, December 15th 1803.

SIR,— I have just received your circular letter of October 22d with a copy of the President's message to the Congress at the commencement of the Session. It is with the highest satisfaction I learn that the treaty and conventions with France are ratified by

[1] From Letter-book, Library of Congress.

the President with the advice of the Senate; that the ratifications are exchanged; and that the ceded territory will be taken possession of immediately by our troops. These events are of incalculable advantage to our country, as they secure to us the great object on which its happiness is so dependent. By taking possession of the territory the business may be considered as essentially concluded. It is impossible that we should ever be disturbed in the enjoyment of it. Spain would never be able to molest us, if she should have the inclination; nor can any other power be so disposed if it had the ability. The promptitude and decision with which the object is pursued, will I am persuaded reflect much honor on our councils, while it produces the happiest effect in our concerns with every European power. Had the President hesitated to take possession of the country, other powers might have been prompted thereby to intermeddle in the affair. Good offices might have been offered us by some to pursue the object, while she might have been encouraged by others to oppose us in it. But by taking immediate possession, all political calculation or speculation respecting either party is at an end. We want no aid of any power to secure us in it, and certainly none will be offered her to turn us out of it. Our title under our treaty with France is as good to Louisiana, as it is under our revolution and charter to any portion of the old States, and I would as soon submit to the negotiation a question relative to the one as the other.

The President's message to Congress has I think

produced a good effect here. It has been published in all the papers and criticised in one only, which is enclosed. A principal ground of objection in that is, the application of the term "enlightened" to the government of France, which the writer tortures into an expression of an opinion on the merits of the controversy between these powers. The sentiment has not been adopted by any other editor, nor have I heard it expressed in conversation. All impartial persons seem aware that the phrase is applicable only to the great transaction between the two countries, to which it specially refers, and tho' a handsome, was nevertheless a fair and candid comment on the motives which governed the councils of France in the part which she acted in it. The strong manner in which it announces a resolution to observe an impartial neutrality, in the present war, and to cultivate the friendship of the parties to it, by fair and honorable means, appears to give satisfaction to all.

I have lately presented a note to this government on the impressment of our seamen, of which I send you a copy. It is founded as you will see on a report of Mr Erving, which, being drawn on due consideration, and appearing well adapted to the object, I did not enlarge on it. I expect soon to get a satisfactory answer to it: though as it goes to an object, in detail, of great importance to them, especially at this moment, it is natural to infer that it will be referred to the Admiralty and be a subject of much deliberation in their councils. In conversations with the ministers, which were frequent before the note was

presented, I had assurances that any communications I might find necessary to make them on the subject would be duly attended to. I thought it better to present a note than to rely on informal conversations alone, since, altho' by the latter mode occasional accommodations in special cases may be obtained, yet by the former only can any useful principles or regulations be established for the common interest and harmony of the two countries. You will, I am persuaded, find by the communication, that, altho' our rights and views are sufficiently explained and vindicated, yet no specific point is positively insisted on. If this government accedes to what we have a just right to claim, its conduct will be the more deserving of our esteem, since, by the mode of application, it will be the more voluntary than under a stronger pressure. By the mode nothing is conceded on our part, so that I have it in my power to take the course which you shall instruct on a view of all the circumstances which merit attention, in the present juncture of affairs.

Whether Russia or any other power will take part in the war seems to be quite uncertain. Great reliance has been placed on Russia here of late, but not on ground sufficiently satisfactory that I have seen tho' it is possible that others may be better informed on that head. All the powers on the Continent, especially those in the neighbourhood of France, were so exhausted by the late war, that I am persuaded they will not embark in it unless some very favorable occasion should invite them, or urgency in other

respects make it inevitable. Much may depend on the issue of the projected invasion, whether it succeeds, fails, or is declined: and as much must depend also in either case on the circumstances attending it, it would be in vain to hazard any conjecture on events so contingent. I see no symptom which indicates any immediate change being likely to take place in the ministry, nor is there anything more doubtful of what characters it would be composed should one take place. The respective parties at whose head are Mr Pitt and Mr Fox, have opposite views. The first seems to be friendly to a vigorous prosecution of the war, and a support of the high prerogative of the crown; the second to peace and a reform. The ministry seems to have compromitted itself with neither as yet, while by pursuing the war it has the support in a certain degree, of the first, and by its moderation and amiable deportment in a degree also, of the other; so that any conjectures on this point would likewise be equally vague. I am happy to observe that I see no reason to suppose, that there would be any alteration in the conduct of this government towards us under any change which might possibly take place in the ministry. I am, Sir, with great respect & esteem &c.

TO JAMES MADISON.

LONDON Decr 17 1803

DEAR SIR,— The opposition of Spain to our treaty with France, by her minister in the U States, attracts some attention here, and is the subject of speculation

in certain circles as to the causes & probable effects. Some suspect France at the bottom of it, others ascribe it to the measures of this govt: but I am far from suspecting either of any agency in the affair. I see no reason to doubt the good faith of France in the transaction. Her interest is as strong or rather more so, to execute as to form the treaty; her conduct seems to be direct to the object: and the reproach which would follow a conduct so opprobrious renders it quite improbable, especially as it would be sure to be discovered soon. It was natural to presume that the President would take immediate possession of the country on the exchange of ratifications, in which case France would be called on to fulfill any engagement she might have entered into with Spain to prevent it. It is equally improbable that this govt shod have given Spain any encouragement of the kind. It wod be in the face of her uniform assurances to us on the subject, and equally in opposition to her interest, since if called on to execute any engagement in support of the pretensions of Spain, she must either fail to do it, or by complying embark in a war against the U States & France. That cod not be to her interest at present, if it ever might be. How far it may be agreeable to either of the parties to see us & Spain engaged in a quarrel separately I cannot say. Be that as it may, I do not think that either wod promote it, or that if they did that the council of either would be much regarded by Spain, where it was not to be supported by other more efficient aid. I rather presume that the measure is altogether a

Spanish one; that it is taken from a real jealousy of us with intention to accommodate. The Spanish court might suppose that by manifesting a disapprobation of the measure, it wo[d] moderate our views in other respects, & give it a plea on France for greater moderation in hers also. She may have been partly encouraged by the gentle manner in which all our discussions relative to that object have been conducted heretofore. She may have inferred that our tone is never to change on it; that we shall always content ourselves by vindication of our right there by elaborate essays on paper. The decisive step taken by the President will I think put an end to the affair in a mode very honorable to his adm[n]. I hope that but little expence is incurr'd, since the Spanish force if not withdrawn, is very inconsiderable, not sufficient to oppose the few of our regular troops in the neighborhood of N. Orleans, and it is I presume not in the power of Spain at present, to send a reinforcement there. I have said nothing on this subject here, because I saw no motive for it. I have been and shall continue to be attentive to what occurs, of which I shall not fail to give you due notice.

I enclose you an extract of a letter lately rec[d] by M[r] Erving from M[r] Swan which the former was so obliging as to furnish me. This makes me add something more on a subject which I hoped never to have had occasion to say anything on again. It shews you the views of the person referred to & the means on which he relies for success. What the other facts are I know not, but think it probable the allusion

may be to a difference of opinion which has taken place between the minister and the boardof commissioners at Paris. The enclosed papers tend to illustrate that point. I send a part of them with reluctance, especially that from Col: Mercer; who might not have expected such an application of his. I do it that you may have a clear view of what occurs there. By his as well as by Mr Skipwiths letter it appears that attempts are made to influence the board in its proceedings, and it is to be inferr'd that the creditors have been excited to promote the object. On my first arrival here, Mr Maclure intimated doubts of the propriety of the boards proceeding to give awards till the treaties were ratified, & consulted me on them. I told him that it was for the board to construe its powers not we: and actually gave no decided opinion on the point, tho' I own I thought that his reasons especially on the score of policy had weight. Mr Livingstons letter to me & my answer on the subject are enclosed. Col: Mercer intimates that insinuations are made against their motives, in which light it is probable they will be assailed in the U States. The characters of the board are known to you to be disinterested and incorruptible. I am satisfied that neither of the gentn has one farthings interest in the claims depending, and that they wod disdain a speculation in them. It is possible that the same spirit which inspired a calumnious attack on them may unite me with them. You have seen by my correspondence with Mr L. that had I had the sole power, I shod have arranged the business in some

respects differently in regard to the 2 millions of dollrs subjected to our disposition. It is also most certain that the convention respecting American claims is different from what he wished it to be, yet it is not in all respects what I shod have preferr'd. Yet as we had agreed on the instruments, as they are, it was my wish to let them go with our joint opinions, in all respects, in their favor. A reference to what had passed had become necessary, in reply to his, on the subject of the guaranty, to justify my conduct in that transaction. Seeing that the board has taken up sentiments which check that precipitation, which seems to be wished by him and others, it is possible that he and they may infer that I suggested the idea and attribute to me the same motives that they have to the board. It is needless for me to observe that I have been, am not, or shall be, in the slightest degree interested, not simply in any concerns connected with the business in which I have been engaged, but in any other, of any kind, on this side the Atlantic, nor indeed on the other, except the property which you know of, which is my estate in land, and slaves. The opportunity has been favorable to such disgraceful jobs, but it corresponds neither with my character, my principles, what I owe our govt and country, to stain myself with them. I shod not advert to so vile a subject, was it not from a suggestion in Col: Mercers letter, the known friendship which subsists between him, & indeed the other members of the board, & myself, & the character of those, who under certain auspices, have risen again, into a certain degree

of notice in Paris. I am told it is suggested that speculations have been made on the certificates in consequence of the delay of the board to grant awards; but this cannot be true. Before my arrival in Paris Mr L. on the receipt of the letter from Mr Talleyrand, dated I believe the 10th of March, had convened in great form all the creditors, & after reading a part of Mr Talleyrands letter, told them, that his labours had been finally successful, & that the business was done, their debts were to be forthwith paid. After that I believe no speculations were made in the claims; before that you knew what had been done in that respect. The success thus boasted of, was published in our papers under a pretext to prevent speculations, but as I presume to serve other ends. The success was in truth nothing more than a decent parry by Mr T. since it is very presumable if the treaty had not been made, that not one farthing wod have been paid, in a short time, to speak of the prospect in the most favorable light. It is also said that certain individuals, particularly Parker and Barlow, had advantages, by knowing the early prospect of the treaty being concluded. This is also false; Barlow was in this country & knew nothing of the treaty, till it was concluded, at least from me, nor did any other of my friends here. Parker, Mercer & Skipwith were in my confidence, as men known & esteemed by me, two of them, in the way of obtaining & giving me the most authentic & useful information of any persons in Paris, especially the first mentioned; he being the person who advised Mr L.

and myself of the decision of the Consul to offer us the cession of Louisiana; and who, as the agent of Hope & Co: offered to furnish on better terms, than we could get of any other house in Europe, any sum of money we might want. These considerations brought him into communication with Mr Livingston & myself from the commencement of a very confidential nature. But in my opinion he did not purchase anything of the creditors after the negotiation commenced; because they all expected, for the reason already stated, to have their claims soon paid in cash; which expectation I encouraged from the commencement of the negotiation to its conclusion. However what the speculations were, before I got there, or afterwards, I cannot say otherwise than by circumstances. Being a business which I abhorred, a fact known to every one, I was little in the way of being informed what was done in it. Indeed from the time I got there till the conclusion of the treaties, my engagements were of too urgent, important, and critically delicate a nature, to bestow a moment on that subject, further than by admonishing my countrymen, when I saw any of them, not to be the dupes of the designing. As any attack on me on this ground must be absolutely false (and in my opinion, the board is equally innocent) and can be clearly and positively disproved, when reduced to form, or understood, I have thought it advisable to communicate to you the above, that you may be able in case such attacks should be made to give some friend the means of refuting them if they are so far worthy of notice. Having before been assailed by

the same parties, the apprehension is not unnatural, that like attempts will be made to injure me. It was natural to presume that those men would never have gained so much consequence, after what had passed, to venture to intermeddle in our affairs again. Of Mr Swan I presume you are too well informed to require any advice from me. On my arrival at Paris he was desirous of holding some footing with me, and having calumniated me in America, and inferring that I had heard of it, he brought me a letter which he said he had written some months before, containing a positive declaration that he never had. I told him that I had never heard of the calumny, and that his contradiction was useless. Still to ease his conscience he left the paper, which I packed among others, & never read, until some time after I got here. As it is connected with a subject you have had under your consideration, I trouble you with a perusal of it.

I have just recd the enclosed from Col: Mercer of the 5th instant, and one from Robt Livingston secry of the minister at Paris, notifying me of his arrival at South Hampton, with despatches from the minister for me, and desiring me to forward him a passport, to come up to London. By Col: Mercers letter you see the state into which things have got in Paris. What is the object of Mr L's visit here I cannot imagine. It may be about this quarrel, about the guaranty, or some other subject. Be it what it may, you may be assured that I shall weigh all circumstances which it involves with most perfect deliberation, and do the best in my power not simply to promote the interest

of my country but (shod the question have such reference) to compose strife, & suppress everything which may tend to discredit the parties. An important maxim which I laid down at Paris, one which I had occasion to adopt & practice from the moment of my arrival there till I came away, was to preserve the best possible understanding with my colleague. At all events to preserve terms with him. Another was to prevent his doing any harm so far as I might be able either there or in the U States. With the latter view I thought it a duty to apprize you of everything that occurred that was very material. The discharge of these duties has plac'd me in a situation entirely disagreeable, for reasons you will readily conceive. I shall pursue the same plan in all cases in which we have any relation to each other, or our country is concerned. I expected to have been called on for this, in the course of the evening, but hope the vessel will not sail before I see Mr L. & have an opportunity to explain the motive of his visit.

TO THE SECRETARY OF STATE.

LONDON January 9th 1804.

SIR,—Every circumstance that has come to my knowledge since my last, tends to confirm the doctrine it contains, that no time was to be lost in taking possession of Louisiana, after the exchange of ratifications.

It gives me great pleasure to find that the President has adopted the most decisive measures for that

purpose. I hope to hear in a few weeks that the ceded territory is in our possession, and the jurisdiction of the U. States acknowledged in every part of it. Such a course of proceeding cannot fail to produce the best effect in Spain as to other points to be adjusted there, while I doubt not it will put an end to that in question. It is manifest that that power has long entertained a very incorrect idea of the respect which is due to the United States. It is not difficult to trace the cause of the delusion; it is however more important to repair by a just and wise policy the ill effects of it. I am persuaded that when she sees the bold and manly conduct of our government, the charm will be broken. Her delusion must have been great, or surely she would never have objected to our title to Louisiana, or taking possession of the territory, after ceding it to France for a fair equivalent of which she is possessed, announcing the cession, and referring us to that power for any portion of it which we might wish to acquire by purchase. I am inclined to think that the greater the extremity to which she proceeds in her pretentions or opposition, the better the effect will be in all the concerns connected with it. Something like a rupture may perhaps be necessary to give her a just view of our importance and of the conduct she must pursue to preserve our friendship. Should she provoke such an issue, she will probably not be long in forming a just estimate of its dangers. In such a crisis she could expect aid from none. She would find France against her, whose government in addition to the obligation by treaty to put us in

possession, she must also have disgusted by her criticisms on the conduct of the First Consul in that transaction, and she would find Great Britain more disposed to profit of the rupture at her expence, than to take her part against us. It has been hinted to me by a person who I presume talks at times with the ministry (being a member of parliament) that should we be involved in a quarrel with Spain, it might change the whole policy of this government towards that power. I have no doubt of the truth of the suggestion, which is farther important as it goes to prove that Spain owes her present enjoyment of peace to our adjustment with France, and the cession by the latter to the U. States of the territory the transfer of which she so unjustly and imprudently opposes. I made no reply to the above insinuation, otherwise than by remarking, that it was to be hoped that Spain would have too just a view of our rights, and her interest, to give us any trouble in the affair. I have had no direct communication with the ministry on the subject, since I saw no motive for one. I am confident however from a variety of circumstances & considerations of the solidity of the opinions that are here advanced.

I have been lately advised by M[r] Livingston that he had finally tho' with reluctance, joined me in the guarantee of 10 millions of livres in favor of France, respecting which you have had due information heretofore. My motive for that act has been already too fully explained to require or admit much further illustration of it. I never doubted that our government

would preserve the hold it had gained of that territory by our treaties with France, if in its power. I could see no danger of loosing it, but by some dispute with France, which she might consider as absolving her from the engagement, and there was, at the time the idea was adopted, too much reason to apprehend if anything should occur to inspire that sentiment, and the state of affairs change, that she would avail herself of it. Casualities might happen in many ways which might lay the foundation for such a dispute. The treaties might be delayed in their passage; the Congress might not be able to convene in time, the discussion might be prolonged beyond the term stipulated, and the laws not be passed in time; — obstacles in their nature transitory, for I was convinced that the correct judgment which our people have of their interest would finally prevail, and that the treaties would be adopted and executed on our part. A dispute with France on a ground which she might think solid, would place us where we were before the treaties were formed, and compel us either to abandon that vast and most valuable acquisition, or to seek it at the expence and hazard of a war. To suffer her to resume her rights over the territory, to establish colonies in it thro' the whole extent of our western frontier, to controul the navigation of the Mississippi, with the exception of our vague and limited pretentions under our treaty with Spain, which might prove the cause of frequent disputes with military governors, and would be sure to be interrupted in every war by the enemies of France, were a part of

a train of evils that were sure to result from the abandonment of our claim. Not only the sense of our government in all its branches, but of the whole American nation was pronounced against that state of things, in the strongest manner when I left America. The alternative of war was rejected in a manner equally decisive by the same authorities, while there was a hope of succeeding on fair and equal terms by negotiation. War could only be resorted to in case it still existed with this power; or in case of peace by engaging it to renew it; for singly it is not presumable that we would engage in one with both France and Spain. It was a contingency which merited attention, that in six months the existing contest might be at an end; and it could never be expected that this government would revive it, supposing that there was a just cause, at our instance, but in consideration of some important concessions on our part. The result of every war is uncertain, but of none more so, than of the present one, while the loss would be certain and heavy. Unhappy indeed would our condition be, if the menaces of an invasion of this country which produce so lively a sensation in every quarter, were felt in equal degree in America: if our safety was made dependent, or thought to be so, on the impregnable state of these islands, on the casualty of calms and storms, or the vigilance or negligence of mariners: to say nothing of the consequences of a successful attempt, which however improbable, is nevertheless possible: or even of the injuries which our commerce would receive in a state of war by the occlusion of

profitable markets and the aggressions of privateersmen, in the European and American seas, exceeding perhaps in a single year the price which we give for the territory. These considerations with others which it is unnecessary to dwell on, induced me to cling to the ground we had gained, and to strengthen, on the principles of the treaties, the obligations of France, legal, moral, and honorary, to fulfil them. By so doing I knew that I strengthened in equal degree the title of our government to the territory, who would of course, thus strongly supported by justice, be proportionally more decided in preserving it.

If France remained firm to her engagements, which I suppose this act could not fail to promote, it seemed to me clear that the treaties would have their regular course, that we should acquire the territory, escape the war, and be assisted by her good offices in support of our other claims and interests which remain to be adjusted with Spain. This latter object [had] much weight in my deliberations on the subject. I could not doubt that such a proof of good faith, of confidence, and friendly regard on the part of our government would produce the desired effect in that respect, as in the one which was more immediately in view, with the government of France. Whether my calculations have already been or may hereafter be in any degree verified, are points which it belongs not to me to decide.

The objections which Spain has urged to our title under France, present it is true a new topick to

consideration. But as we know our title to be good, as the object is all-important, and never to be relinquished, they furnished as I supposed only new and stronger motives for decision. If the President had relied on France to put us in possession of the territory, much time might have been whiled away in negotiation, and everything lost. But by taking immediate possession everything is secured. The obligations of duty and of honor under the treaty, and guarantee will have their full force with the First Consul, and it may be more easy as well as more agreeable to him to reconcile Spain to the event after it happens, than compel her to adopt it. By that measure also the obligation of interest will likewise have its full force with him. He will not fail to anticipate the injury to which France must be exposed, in the present juncture of affairs, by a war between the U. States and Spain. He would find too much cause to apprehend in such an event, however unconnected our operations might be with those of Great Britain, that it might produce a change in the conduct of the latter power towards Spain and induce it to declare war against her: an event which would give France much embarrassment, not simply by depriving her of the advantages which she derives from the neutrality of Spain, but by its tendency to connect us with Great Britain in the war.

Should Spain be so rash and impolitick as to make it necessary for the President to take possession of the country by force, or to incur any extraordinary expence, I think the amount would be justly chargeable

to France; nor have I any reason to suppose that the First Consul would hesitate to indemnify us. In strictness it would be chargeable to Spain, and most probably be taken into account and provided for in our proposed treaty with her. In such an event it will merit consideration, whether a greater proportion of the stock than the sum guaranteed, should be transferred to France, 'till that adjustment is made with Spain; provided indeed the measure of the guarantee is approved by the government and it is deemed proper to transfer an equivalent amount. It is fair to presume that the act of guarantee and payment of the amount under it, in addition to the advantages originally contemplated by it, will give us a more safe and free scope of action, in relation to all the incidents which have or may occur, than we might otherwise have enjoyed: for example, should the conduct of Spain furnish a motive to the President for withholding the remaining stock or any portion of it until a satisfactory explanation is obtained and arrangement made with Spain, that the delay will be more justifiable in itself and that it will be more easy to reconcile France to it, than had such guarantee not been given and payment made in consequence of it. There are topicks which will not fail to occur to our government, and respecting which you will I doubt not give such orders as may be adapted to the existing state of affairs.

Mr Livingston observes that the guarantee was an act of confidence which he could not approve. Had there been no other motive for it, his objection would,

I admit, have had much weight; but the measure never rested on that ground alone. I considered it one which was likely to do no harm, while much good was fairly to be expected from it. I concluded, as heretofore observed, that our government would never loose the hold which we had gained of the territory by the treaty, to go afloat in pursuit of it by other experiments, and of course that the guarantee could do us no harm. My object was, as has been sufficiently explained, to secure the ground it had gained against all contingencies, which I supposed was promoted by that measure; since by it the stipulations of the treaty were in a manner renewed, and the obligations of France to observe them, under the circumstances of the transaction, increased. It may with propriety be observed that in no instance is it advisable, in our transactions with foreign powers, to shew that we distrust them. It is equally so to avoid the opposite extreme. After I had decided on the measure, on motives as I presumed sufficiently strong, I own that I endeavoured, by the manner of executing it, to make it as honorable and satisfactory as I could, to the government of France. By so doing I thought I promoted all the objects that were contemplated by it, and in the degree the interest of my country. Before this reaches you it is probable that the President will have given his ultimate orders on all points that are connected with the treaty, in which, whether it be by my immediate agency or otherwise, that he may think I may be useful, I shall be happy to execute your instructions in the best manner in my power.

I forwarded to you lately a copy of a communication which I had presented to this government respecting the impressment of our seamen, to which, I am sorry to add, that I have not yet received an answer. The situation of the country, menaced dayly with an invasion, has rendered it impossible for me to press one. On the subject of impressments, I hope to be able to give you more satisfactory information hereafter. I am, Sir, with great respect and esteem, Your very obedient servant,

TO ROBERT R. LIVINGSTON.

LONDON January 13th 1804.

DEAR SIR,—I have your favors by Col. Livingston and am happy to hear that you joined me in the guarantee. I wrote you first before the receipt of these by Mr Stewart informing you of the ratification by the President and Senate, of the treaty and conventions with France, of the exchange of ratifications with Mr Pichon, and of the measures taken by our government for taking possession of the country. It is presumable that it is now done, and with the approbation and consent of Spain, tho' on the latter point there was cause to apprehend some difficulty, as you have doubtless been apprized. If Spain has acquiesced, the business may be considered as brought to a happy conclusion; and it would certainly have been most unpardonable in her to oppose it, as well from her cession to France, of which she had given us formal notice, as from the evidence it would have

given of her unfriendly disposition towards us at a time when it is equally hers and our interest to manifest a different temper towards each other. Among the good effects resulting from this measure, I consider it not an inconsiderable one, that it terminates all questions respecting our guarantee. The correspondence between us on that subject I did not enclose in my public communications, nor any part of it. Not knowing whether you did or not, and aware of the great importance of the subject, especially in certain views, I sent it in private letters to Mr Madison, to be placed among the public letters only in case your communications required it, or he should deem it necessary. I have pursued the same course with your last letter. In my public letters I have touched the subject slightly and generally only. My motive for that was, that of delicacy towards you and myself, wishing that no evidence of such disagreement should appear if to be avoided. You wish it placed among the other documents, it remains for you to direct it. It seemed improper for me to be wholly silent on so interesting a question, and that mode I thought most suitable for the reasons mentioned.

The conduct of Spain in opposing the cession of France has been most unaccountable. I expect the motive was to obtain better terms of both powers on other topicks. It could never be in the hope of embarrassing them in that of the cession. Having reason to fear that your dispatches have miscarried, I send you a copy of one which I received from the Secretary of State written I presume at the same time

that yours were. It contains a copy of the correspondence between Mr Madison and the Spanish Minister at Washington, the extract of a letter to you, and also of one to Mr Pinckney at Madrid. It was as much as it was necessary to give me, from the relation I had to the subject, on general view only. It will nevertheless be of great service to you to possess it, as it will enable you to shew the government of France in what light that affair has been placed by Spain, and perhaps of her opposition to the treaty by force, for [as] yet I have no official information to the contrary. I trust that the First Consul and his ministers will have a due sensibility on that head, and see that our right is recognized by Spain. I have invariably affirmed here and in my letters to our own country, that they would in the most decisive manner.

On the subject of my visit to Spain I was happy to hear that Mr T. was prepared to give us his good offices and those of his government in support of our negotiation for the other objects depending with that power. It is possible that some other person may be ordered there, as I intimated a wish on my arrival here that if the President found it for the public interest, on a general view of our affairs, to take that step, that he would do so ; having really no personal desire on the subject. By the enclosed extract to Mr P. it would seem, as by a like sentiment in one to me about the same time, as if he still expected I should proceed there. I shall probably hear from him soon on that head, and in case he still wishes me to proceed, I think with you that the business ought

not to be delayed, but that I ought to go, as soon as the stock is delivered, and the affair closed with France. On this point I shall write you again, and shall be happy to receive occasionally your sentiments on it.

With this government I have not full powers to enter into a treaty. I speak in confidence to you. Of course my communications have been more reserved than has been represented in the gazettes. Perhaps such full powers will never be given me; but in case I should have them and form a treaty, you may be assured that I shall never be unmindful of the relations which subsist and ought to subsist between the United States and France. On this head you may speak with a confidence which cannot fail to inspire it with those to whom you think it necessary to communicate. As Col. Livingston is well informed on all subjects it is unnecessary to add more at present. I shall send you the papers and write you by every safe opportunity. The cypher is not yet arranged: it is a difficult affair to make one; and having been long without a secretary, Mr Purviance's close engagements have rendered it impossible for him to form one. Col. Livingston intimated that he had one to correspond with you while here. If it will answer I will obtain it of him. Be so good as remember me to my friends in the government of France, and present the best respects of Mrs M. to your lady and daughter. I am, dear Sir, very sincerely & truly yours

TO WILSON CARY NICHOLAS.

LONDON, Jany 22, 1804.

DEAR SIR, — Accept my acknowledgment for the communication contained in yours on a publick subject, to which I am happy to give the following explanation: The sum which the first consul had resolved to ask for Louisiana was 100 millions of livres, clear of the debt to our citizens w^h^ we were to pay. He agreed to reduce it, under the deliberations of his council to 80. including the debt which was estimated at 20. The latter was the proposition made to us in the first formal interview which we had with Mr. Marbois; not as a thing decided on, but one to which it was thought that the first consul would accede, if we were willing to give it. The expectation, however, was that we should pay the whole in one year in Paris by equal monthly instalments. He finally agreed to take stock instead of cash, as you have seen by the treaties, on a belief that by possessing the stock he could command, at a moderate sacrifice, the whole sum at once. He seemed to have fixed his mind to 80. millions of livres, including the debt as the least sum that he would take from us, and I had good reason to believe that he would not have assented to a diminution of it, under any accommodation in payment which it was in our power to propose. Indeed I was inclined to think that we should hazard much by sending any such proposition to him. We requested Mr. Marbois to offer him 70. millions, to which he replied that by our desire he would do so, but that in his opinion it would most certainly be

rejected, and probably hazard more than we were aware of. There is something in all transactions to be taken from the spirit which is manifested by those with whom you treat, which merits the attention of those to whom the opposite interest is intrusted. From what had occurred in this, I did not hesitate a moment longer to abandon the idea of attempting any diminution of the sum below 80. millions; 1st because I considered the terms as very advantageous to our country and the object too important to be hazarded by attempts not likely to succeed to obtain better. 2d because I had reason to think that Mr Marbois had already compromitted himself with his government in laboring to reduce them to that sum. 3d because we were pressed for time, the rupture with England menacing to take place daily & it being important that we shod close before that event. Had it been practicable to reduce the sum on an engagement to pay specie instead of stock, there were difficulties attending it of a serious nature. The sum to be paid must have been regulated by the supposed value of eighty millions of livres, or rather 60. the amt which was to be paid directly to France. It would have been dishonorable to have fixed it at a price, by depreciating our credit, by which we were to make a profit & likely also to do us more harm than that profit would compensate. We had not the money in the treasury and must have raised it, by the creation & sale of stock, in America or Europe. Such a map thrown on the market in the U States was likely to sink the price, and the remittance of the amount

by bills, to expose our government to a loss by its effect on the exchange, while it did a great and general injury to our commercial interest. Had the stock been exposed to sale in Europe the price must also have fall'n, for it was reasonable to expect a combination among the great bankers or many of them, to depreciate it, with a view to make better bargains. After the war which was to be expected, it was not [an] advisable thing for our govt. to be engaged in the sale of stock here, the proceeds whereof were to be remitted to France. It was likely to expose us to the jealousy & resentment of this govt., perhaps its interference to prevent the operation; the apprehension of which, compelled as we should have been, to raise money to make punctual payments in France, would have created a dependence of our govt on this which would not have comported with its character or the publick interest. A failure to place the money punctually in France might have endangered the treaties; especially if her govt shod be disposed to get rid of them. But by creating stock, and paying the debt by a transfer of it to France all these inconveniences are avoided. We fulfil the stipulations of the treaty without wounding or exposing to injury an essential interest of our country; without being under the necessity of asking or receiving favors of either power or any way responsible for the place or price at which the stock is sold. Our relations & duties in that respect cease to be foreign; they become entirely domestic; all that we have to do is to provide for the payment of the interest annually, and the principal

at the end of 15 years, which will I trust be no difficult thing.

The provision and arrangement for the payment of the debt due our citizens, I hoped would be well received. Being all that was made payable in cash, it seemed probable that the amount would create no embarrassment in the treasury; as there was a considerable portion of the money in hand & the balance likely to come in, before the debts could be liquidated & the payment called for. Should that however not be the case, it might even be better to borrow of one of our banks the deficiency, reimbursible at pleasure, than create stock to be redeemed at the end of several years. It was important to prevent debts being imposed on us, not American, and prevent the payment of any money till the territory was surrendered to our govt, which were provided for.

The principle which I understood was adopted in the contract between the govt of France & the bankers to whom the stock was sold, in fixing the price, was by reference to the then current price at this market, supposing they had been imployed for that purpose, & something as an indemnity against the probable depreciation, which such an increase of our debt might possibly create. Before the French govt concluded a bargain with the purchasers, I have reason to believe that propositions were invited from all the bankers at Paris, and that none offered as much for the stock, while the prospect of complyance with any contract they might make was much more uncertain. It was understood that these latter, in general, calcu-

lated on raising the money to enable them to fulfill their engagements, had they entered into any by sales of the stock to others; an operation which might have sunk its credit, injured France, & ruined the bankers. From the immense capital of the houses who bought the stock it was anticipated, that no such forced sales would be necessary, or consequences to be dreaded. It is to that immense capital I presume it is owing that the houses will make a considerable profit by the bargain.

It gives me pleasure to assure you that I am perfectly satisfied that the individuals concerned in the transaction on the part of France did not make one cent by it. From motives of delicacy we did not even pay Mr Marbois's clerk who copied the instrument several times, in consequence of the amendments they rec^d^, anything for the service. In important transactions of confidence between individuals he would probably have rec^d^ two hundred guineas for the same service. Nor do I believe that one cent was made by them in the sale of the stock to the purchasers. Mr Marbois's conduct through the whole was open, delicate, and honorable, evincing feelings & an elevation of mind which plac'd him far above the suspicion of the influence of any corrupt or sordid motive. He is in my opinion one of those who would rather eat the bread of poverty, with an approving conscience, than enjoy the most unbounded wealth exposed to its censure.

I have so far endeavored to answer such objections of my friends as I have heard of, because they are

reasonable and proceed from honest motives. While the people and their representatives scrutinize with impartiality & rigor all great public acts, they are sure to be more faithfully served. To say that in every particular, my desire was fulfilled would not be correct. It gives me pleasure however to be able to assure you that it was not departed from either in the *quantum*, given for the territory, or payment by creation of stock. Very highly impressed with the advantage which my country would derive from the cession, with a view to secure it against casualties, I was willing to make a prompt payment to France, of the sum which was plac'd at our order by our government. But this it appears was either unnecessary in itself, or has become so by subsequent causes.

The other great point on which a division of sentiment existed between us & the minister of France, was the term for which French & Sp^h. manufacturers &c sho^d. be exempted from foreign duties. This proposition claimed that it sho^d. be perpetual, wch. however was reduced to 13 years. Inferior points were easily accommodated. With great respect & esteem I am dear Sir very sincerely yours

TO BARBÉ MARBOIS

LONDON Feby 14th. 1804.

DEAR SIR,—My last letter from the Secretary of State of Decr. 26th. mentions that Louisiana was surrendered to the prefect of France the latter end of Novr. who was to transfer it to the com^rs. of the U

States on their arrival at N. Orleans wch was expected in a day or two from that date. Mr Madison adds that he considers all difficulties on that subject as happily terminated. Mr B. is expected here daily with every thing belonging to a complete execution of this transaction. In the meantime I am persuaded that the house in Holland will consider it as concluded and act accordingly. It gives me pleasure to observe that the prompt & unconditional exchange of ratifications by y^r^ chargé des aff^rs^ at Washington, & his correct conduct in promoting the transfer of the territory to the U States, in obedience to the orders of his gov^t^ are unequivocal proofs of the good faith with which the treaties were formed. The manner in wch the President expressed himself in his message to Congress of the enlarged liberal & friendly policy wch gov^d^ the first Consul in the transaction shews in strong terms the sense wch he entertains of it. May it seal forever the friendship of the two nations. To have been in any degree instrumental to that important result, is one of the circumstances of my life wch will always give me the highest satisfaction. In society with my respectable colleague, to have met an old friend on the occasion who had experienc'd as well as myself some vicissitudes in the extry. movements of the epoch, in wch we live is an incident wch adds not a little to the gratification which I derive from the event.

You have doubtless heard that Jerome Bonaparte is married to Miss Patterson of Baltimore. Her father is wealthy & one of the most respectable citizens of that town, or rather of the State of Maryland.

Her mother is a sister of General Smith a member of the Senate of the U States, the officer who defended Mud Island below Phil[a] in our revolution. The connection is every way as respectable as he could have formed in the U States. The young lady is amiable, very handsome & perfectly innocent. The bearer of this is her brother, who goes to Paris, from this place, to carry a letter from Jerome to the first Consul, w[ch] was transmitted to me by her father. As he has also written to M[r] Livingston, I enclose to him the letter to the first consul, as he might expect that the communication sh[d] be made thro' him. Nevertheless I have taken the liberty to present to you the young man, and apprize you of the above facts, in confidence that you will make such friendly representation of the affair as you may find necessary.

Your attention to the family of Monro [1] who were detained in France in circumstances somewhat distressing, has excited my sensibility in the manner which was due to such a proof of y[r] regard. They have returned here full of gratitude for the kind attention which they rec[d] from you. He has been much indisposed since his arrival, & perhaps on that acc[t] has not attended to the advance of £100 w[ch] you were so kind as to cause to be furnish'd to him. Sho[d] that have been the case, I beg you will be so good as instruct the banker to draw on me for the am[t] w[ch] shall be promptly paid on being presented. He has ample funds & will immediately replace it when I shall find it necessary to ask it of him.

[1] As originally written " my name."

I say nothing to you on general political subjects from considerations of delicacy proceeding from certain causes, wch altho' neither of us co^d^ have anticipated yet doubt not you will duely appreciate. I shall content myself with observing at present that you may be perfectly satisfied that in any possible situation in wch I may be plac'd or any duty wch I may be called on to perform, I shall never forget the very friendly relations which so happily subsist & wch I trust always will subsist, between our two countries. Be so good as present my respectful regards to the consuls Le Brun & Cambaceres, those of my family to y^r^ amiable daughter, & be assured of my distinguished consideration & sincere attachment.

TO ROBERT R. LIVINGSTON.

LONDON Feby 14. 1804.

DEAR SIR,—My last letter from the Secretary of State was of Decr. 26th in which he mentioned that the Sp^h^ officers had surrender'd Louisiana to the French prefect, who was to deliver possession to our Com^ers^ Claiborne & Wilkinson in a day or two, that is early in Decr the latest intelligence then rec^d^ at Washington from N. Orleans. Mr B. is daily expected with the result of that affair, wch however is so completely adjusted that I trust the House of Holland acts as if it was in possession of every necessary document. The Secretary of State observed in the above mentioned letter that he considered all difficulties at an end respecting the possession of the territory.

The accts rec^d from Mr B. by his friends give expectation of his arrival every fair wind as he was to sail abt the 10th at latest the 15th ult^o. However it is probable that you have heard from our gov^t since myself, and of course that I am behind you in intelligence.

In the state of affairs here there has been no change either in reference to our own concerns, or in any other respects since Col: Livingston left me. The King is seriously indisposed, it appearing that the number of his physicians has been increased of late with the anxiety of those ab^t him. It has been six months since he has had a levee. A change in the ministry is often spoken of, as of the ministry, but yet I see no evidence of it being likely to take place soon. The new bill respecting the volunteer corps is to be taken up on friday next when something interesting may occur. It is possible that the true strength of those in power and indeed of those out of office, with the views of the several parties may be shewn on that occasion.

You will have heard of the marriage of Jerome Bonaparte with Miss Patterson of Baltimore. I lately rec^d from her father the enclosed letter from Jerome to his brother the first Consul, with one also to yourself wch was also enclosed. Those letters with this & some of the late papers are committed for you to Mr Patterson's son, who goes to Paris for the purpose of presenting them to you & obtaining answers. Mr Patterson the father is one of the most respectable citizens of Maryland, wealthy of fair reputation

& well connected by marriage. His lady is a sister of General Smith the officer who distinguished himself at Mud Island in our revolution, at present a member of the Senate of the U States. The young lady is very handsome, amiable & every way deserving of regard. I hope that the match will not be displeasing to the Consul's family or himself. Her brother will follow y^r^ instructions. You will communicate in the manner & thro' the channel you think best the letter of Jerome to the first Consul, & inform the young man of the result. It is probable they may wish to see him: Sho^d^ that be the case, the fact will be communicated to you, who will be so kind as to present him.

I gave to Col: Johnston the passport which you obtained for him of the French gov^t^, with a copy of the extract of y^r^ letter wch was applicable to the subject. He desired me to make to you his acknowledgement for that important service. Since that time I have rec^d^ from him the enclosed letter partly on the same subject, and partly on that of M^r^ & Mrs Oliphant who are prisoners in France, his relations, in whose favor, Sir Wm Putney & his lady interest themselves also. You will see the object in both cases, wch I requested him to state in writing to be transmitted to you & take that part wch the interest of our country permits and your own feelings of humanity prompt. There is another case to wch I must also request y^r^ attention. There is an English gentleman of the name of Robt Ferguson a prisoner in France probably in Paris, of the most respectable connections here, who

have spoken to me on this subject. Skipwith is for his liberation, but that is what I have not given them any cause to hope may be obtained. His connections are very wealthy so that I presume he is at ease on that head or may be by drawing on them. I wish you to obtain a knowledge of his situation, to inform him that it is at my instance, on the application of Sir Hector Monro, and that you will be so good as let him understand that you take an interest in his welfare. You will be pleased to communicate to me what I may say to the parties interested in the above concerns. My family, especially Mrs Monroe, have not been in good health of late owing to the moisture of the climate. They desire their best respects to yours. I am dear Sir very sincerely y^r^ most obt servt.

TO JAMES MADISON.

LONDON Feby. 26. 1804.

DEAR SIR,—I have rec^d^ several letters of late from some of our friends, who complain of the arrangement or rather provision made in the treaties with France for American creditors, to whom they intimate an attention was paid wch may embarrass our treasury. It is presumable that we might have plac'd them on any reasonably satisfactory ground that we wo^d^ have proposed; but as the payment of no part of their claims was to take place till the treaties were ratified & the territory surrendered, I thought it wo^d^ be better to insist again that they might be paid as their claims were liquidated, to an am^t^ not exceeding

20 millions the sum France was willing to appropriate to that object & wch we thought wo^d^ be adequate. It was to be presumed that it wo^d^ be satisfactory to the French gov^t^, to know that they were paid, & highly so to the parties and their connections in the U States. With regard to the price given for the territory, I have no reason to think that an agreement to pay the 2 millions of dol^rs^ in cash wo^d^ have lessened it. My impression was otherwise, tho' had I been the sole agent I might have pressed that point more frequently. Had I had any reason to suppose that the sum might have been lessened I sho^d^ still have done so. We had not much time; the object was all important; and I hoped as the debt to France was to be funded, that the payment to our citizens co^d^ be made without embarrassing the treasury. Having occasion to write John Randolph the other day ab^t^ his nephew, I expressed sentiments to this effect to him; & in reply to others I propose writing a few letters wch will be committed to a gentleman for N. York who will go thence to the federal city, in the same spirit. It were to be regretted if improper ideas sho^d^ be entertained on these points or any of them. I shall enclose those letters to you open with power to deliver or detain them as you find proper. Of the letter to Mr Randolph I have no copy. I wrote in some hurry tho' I believe with sufficient caution. I have written to no other person, & perhaps you had better see that to him, wch he will shew you. The letters will be sent in the course of a week. I am Dear Sir sincerely y^r^ friend & servt.

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WILLIAM PINKNEY.

LONDON March 3. 1804.

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no reason to think, but was on the contrary thoroughly impressed with the opposite opinion, that any application that we wd have made of the two millions of dolrs wod have lessened the total amount. In a correspondence with him respecting the guaranty, I told him that, had I been the sole agent, I shod most certainly have provided for an advance of that sum to France for the reasons stated in one of my letters: and I find intimated that he was not so anxious for that advance as myself, which was true: but yet it was not my intention to imply that such advance wod have diminished the sum. I presume his desire was to apply it to the creditors, indeed I am convinc'd of it; from a fear that if the advance was made to France, the payment of their claims must have been postpon'd. This affair ended as I shod probably have placed it had I been the sole agent, by receiving by guaranty the advance of that amt by the bankers, on the credit of the stock sold them. A principal motive for the private interview above referr'd to, I always supposed was a desire to give to the transaction the fallacious appearance which was afterwards attempted in the U. States & elsewhere. So much I had thought proper to state on this subject; in questions of character the most liberal constructions shod be given to the acts of those in the service of the government. If the enclosed letter is delivered be so good as instruct Mr Nicholas to shew it to his colleague, to Mr Breckenridge & Brown if with the latter he is on a good footing & no other objection occurs, to Mr Macon, Nicholson, John

Randolph & Mr Dawson; he will mention that it is shewn at my request with that kind of confidence wch is proper. He will also shew it to Major Butler & Col^o^ Taylor when he sees him and to the Senators of Maryland, Georgia & whom you & he think proper, observing again that the whole is under your controul.

On the subject of Etiquette I will add something. The opposition of Mr M.[1] to what is understood to have been the arrangement of the President, was severely censured & ridiculed by Cobbett, the other papers inserted parag^hs^ from the federal prints in the U States without a comment. In conversation with indifferent people it was invariably admitted, that if a question was made, the gov^t^ & heads of departments were always superior at home. Those in place have never spoke to me on the subject & wo^d^ I have no doubt have acquiesced in any general arrangement that might have been made on it: tho' disappointed as they were at our adjustment with France &c, I am inclined to think it was a circumstance wch vexed them. The accommodation wch is now departed has excited more surprise, as it was not expected; but I do not know that it will lessen us any where. It is a proof of moderation and respect for other powers, wch they are not disposed to shew. There is a ground on which it may be plac'd that the gov^t^ being at home shews attention like every well bred host to strangers. On my own part I have no reason to be satisfied with the station we appear to have held & now hold here in that respect, that is in case a question is to be made

[1] Merry.

of the kind. We have no fixed place, and precedence seems to be given to the most subaltern powers to Portugal, to Naples, Sardinia &c, powers wch have not one hundreth part the political weight in the affairs of the world that we enjoy, even at this court. The ministers here expect visits from but never return them to foreign ministers as I am told, at least only one of them has to me, Mr Yorke. Neither L^d^ nor Lady Hawkesbury have returned Mrs M. or my own visits. We accepted their invitation to dinner, and repeated the visit to Lady H. lest the first sh^d^ have been misunderstood, but without effect. Since that we have been again invited to dinner but declined accepting it. Mrs M. has been very sick lately, but is now better. We intend as soon as she recovers to invite them to a dinner, & if they come endeavor through some suitable channel to obtain an explanation. My object has been to excite no discussion or question on such a subject if to be avoided without real degradation. I know that we shall pass by them soon, and it is little worth our while to discuss such light topicks, especially to give them importance at the present time. Sometimes remarks are made respecting our country and in one or two instances in my hearing wch were very disgusting to me. The Queen, at the time the Etiquette story was in circulation, I thought passed me in the crowd intentionally. It might not be so, as her drawing room is without order, a confused multitude, & those are sooner dispatched who have most strength of body & nerves, and as she is old and might [not] see or seeing not

know me. In all cases of the kind I have commanded myself, being resolved to make them subordinate to great objects, or if ever noticed to do it on a suitable occasion. In profession the King, the old Lady, & the ministers have not been wanting, so that if anything of the opposite kind has been intended I know it was their impulse of ancient feelings excited at present by light causes, in which I had no part; for I was never so exact in attention to these things or careful in the whole of my conduct, as I have been here; and not the part of a system.

Relative to presentments at court I co^{d} wish to have some instruction: perhaps a general instruction might be proper. It appears to me it ought to be confined to those who have held or actually hold certain offices under our government. I found on my arrival here that there was no rule, & that the practice was to present everyone of good appearance & decent society, who wo^{d} incur the heavy expence of a court suit. Hence I have been troubled on that subject. I expect to commit this to Mr Gore who sails in a day or two for Boston the com^{n} having concluded its business. If he stays longer I will write you again especially if any thing material occurs. I am sincerely y^{r} friend & servt

TO CHRISTOPHER GORE AND WILLIAM PINKNEY.

LONDON March 3. 1804.

GENTLEMEN,—I have rec^{d} the letter wch you did me the honor to write of 23. Feby announcing the

conclusion of the business submitted to you under the 7th article of the treaty between the U States & G. Britain, with the final dissolution of the board, & y^r^ disposal of its journal and certain reports of the assessors. As also of a balance in cash remaining in your hands after defraying all the expenses attending the commission. I am happy to hear from you the result of this very important trust, which I am taught to consider by all the light that I possess on the subject as having been executed in a manner very advantageous to the two nations wch constituted the board & honorable to the members who composed it. I shall hasten to transmit the publick documents referred to, to the department of State & have already deposited the money with our bankers in this city. I have the honor to be gentlemen with great consideration y^r^ most ob^t^ servant

TO THOMAS JEFFERSON.

LONDON March 15th 1804

DEAR SIR,—I have yours of Jany. 8, by Mr Baring who arrived lately in the packet. From the view I am able to take of the subject I am of opinion that my appointment to Louisiana will be incompatible with the duties I am to perform in this quarter. To conclude a treaty with this gov^t^, or to make such an experiment as wo^d^ authorise me to say that one cannot be had, to regulate on just principles the points in question between the two nations, will require at least two months; to proceed to Madrid thro Paris,

conclude a treaty with the minister of Sp^{n} & return here, will consume six more; and to reach the U States perhaps two more. If an experiment is made it ought to be a fair one so as to terminate, in case of success, for ever, all points in controversy or likely to be so between the parties, or in case of failure to put them completely in the wrong. Perhaps it may require less time to adjust the business with both powers, but the presumption is otherwise. Under such circumstances it seems proper that I sho^{d} pursue one or other of the objects only, and being on the ground, already charged with these duties, it is possible that some inconvenience might attend my withdrawing from it, especially in reference to this power at this moment. Several incidents have occurr'd wch however unimportant, or correct in principle, have nevertheless produc'd some sensation here. The rejection of the treaty lately formed by Mr King, as is said to be the case, the proposition in Congress of some defensive measure against the impressment of our seamen, and the affair of Etiquette with Mr Merry are of this kind. But the incident which produc'd that state of mind which is susceptible of irritation by light causes, was the adjustment of our affair with France, which this gov^{t} did not expect, & has most probably subjected it to much embarrassment. To remove these impressions, and arrange our affairs with this gov^{t} on just & equal principles, in cases of necessary contact, or rather of actual collision, will require more time than the pressure of any other duty will permit, especially one of great

expectation, a failure to perform which might compromit my friends as well as myself. I consider the affair with Spain as being likewise of importance, and am not without every sanguine hope of succeeding in it, in case I proceed thither. I have much reason to count on the strong aid of France independant of wch I think our present attitude must be an imposing one there. I shall therefore make up my mind to pursue these objects with the attention they merit, and to give them the time they may require. With this power there will be some difficulty from the nature of the questions themselves, its pretentions to former practice in respect to some of them, and the expectation it has constantly fostered of holding a relation to us more close & connected, than comports with an adjustment which separates us for ever, and leaves the U States to that high career which their destiny seems to promise. They must see distinctly that by separating ourselves from Europe, placing our maritime rights on a just footing, remaining neutral and respected, while they are at war, we must soon become one of the greatest, as we are the most interesting & happiest of nations. Many circumstances have tended to convince me that they entertain very false impressions with respect to our growth, and that they view the rapid advancement we have made & are making with no very favorable eye. They seem to consider our prosperity not simply as a reproach to them, but as impairing or detracting from theirs. Without possessing the means of retarding it, but at the hazard of equal, perhaps greater danger to

themselves, they have not yet attained that enlarged & liberal state of mind which inspires a desire to promote it. Thus I think that whatever accommodation is obtained, however just and fair the principle may be on which it is claimed, it will be yielded with reluctance & slowly. It is not impossible that procrastination will be attempted from the consideration of what is to occur in the U States at the end of the present year, in the hope that something may result from it favorable to their views. In revolving this subject over I have sometimes doubted whether it would not be better for the present to leave the business here untouched, and attempt an adjustment of that with Spain first. It might give time for the passions which have been improperly excited, by light causes, to subside, & in case of a favorable issue of a better prospect of success here afterwards. On the whole however I am led to conclude, that it would be the most frank and respectable course of proceeding to this power, and at the same time most conciliatory, to commence here, to adopt that conduct, which I shall accordingly do as soon as I am prepared for it. To be thus prepared will not require more than a week or fortnight at most, when I shall ask an interview with Ld Hawkesbury & open the subject to him.

In thinking of an appointment in Louisiana I did not contemplate the idea of having anything to do with this power, and did hope that the business with Spain might easily be adjusted in time for me to reach the U States in the course of the ensuing

autumn. I found soon after my arrival here that it was not a situation in wch I cod promise myself any satisfaction, and was therefore desirous of extricating myself from it as soon as I cod with propriety. The opinion wch I entertained of the respect due to the office I held, to the govt & country I represented appeared to be different from that wch was held on the same subject by this govt & those in that circle. My visits to the ministers were not returned; I obtained a list of them of St Stephen Cotterel & sent my cards round, as I had been told by some foreign ministers was the usage, but recd no acknowledgment of the attention. Suspecting that I ought to have gone in person I apologised for the mode to Mr Addington, when I was presented to him at the levee, as I also did to the Ld chancellor who assured me that the apology was due from them, since in fact it appeared that they had not known in what manner the visit had been made. I visited Ld H. in person more than once & left my card, without receiving any return. I visited also Ld Salisbury the chamberlain to the King in the same manner & with like effect. My visit to Mr Yorke who succeeded Ld Pelham after my arrival here, was returned, as was Mrs Monroe's by his Lady. We were invited to dine with Ld & Lady H., wch we did; afterwards Mrs M. called on Lady H. but her visit was not returned; as she had sent us cards to attend a presentation of colours the day before, and it was possible she might construe that visit into an acknowledgement of that civility, Mrs M. made her another, wch was also disregarded. All this

preceded the affair of M[r] Merry, and had no connection with it. We have lately invited L[d] H. & M[r] Yorke with their Ladies to dine with us in return for a similar attention rec[d] from them. The first refused on acc[t] of an *engagem[t]*, the second on acc[t] of a *prior* one. As the aff[r] of M[r] Merry was known here when the invitation was given, it is possible that that circumstance & the other intelligence rec[d] from him by the packet may have occasioned the refusal; tho it may be that they were engaged, and I am persuaded M[r] Yorke really was. A second invitation from L[d] & Lady H. was declined on acc[t] of a *prior engagement* or rather because M[rs] M's visit had not been returned, with a view also to furnish an opportunity of paying them the attention before we rec[d] it a second time. At L[d] H's table when speaking with his Lady, who appears to me to be an amiable woman on the subject of our climate, of its variety &c. I mentioned that while the northern parts were perhaps in snow, the southern enjoyed the bloom of Spring; that in Feby at Charlestown, I remembered, they had the *course*, and from the want of other topicks of conversation, I added that on such occasions there was always a great concourse of people with gay equipages, &c. L[d] Castleray asked me what kind of equipages had they? I co[d] not but be surprised at the enquiry, nevertheless replied, such as I saw here. Sir W[m] Scott then remarked that he had lately read an acc[t] of a grand fête at the cape of good hope, which concluded with that all "the beauty taste & fashion of Africa were assembled there." This

occasion'd some mirth as you will suppose at our expense, in which I co^{d} not well partake, & in justice to Ld H. it is proper to say that by his reserve he did not appear to think that the remark was made on a suitable occasion. I was really embarrassed what part to take on the occasion. It was disagreeable to me to let it pass unnoticed, but I co^{d} not well notice it, without appearing to be hurt at it, nor without throwing the company into some confusion. I was therefore silent. Shortly afterward, in conversing with Ld Castleray & some other gentleman on the rapid growth of the U States, I observed that I was astonished to find persons of distinction by their offices & talents so extremely uninformed on that subject, as they were generally in this country: that in truth they knew as little of us as they did of the cape of good hope. At the dinner with Ld H. Lady Bristol had precedence of Mrs M. tho she was the wife of Lady H's brother, who had been lately under Secretary of State only, & then held no other distinction than that of his title. When dinner was announced Lady H. communicated it to Lady Bristol in a whisper who took the lead & Mrs M. and Lady H. followed, no one leading them. In talking with one or two foreign ministers on these subjects, as matter of enquiry of what I might expect, rather than what had happened, I found that they knew as little about it as myself, and was led to believe that there was no fixed rule, & to presume that there was no disrespect intended us. In respect to the ministers of other powers we appear to hold the lowest

grade; in a diplomatick dinner at L.d H's precedence was given, & apparently by design, to all the other ministers, and on more occasions than one to the minister of Portugal, evidently by design. By this detail w.ch I sho.d probably never have made the subject of a letter, had it not derived sufficient consequence by the affair with M.r Merry, you will find that I was resolved not to suffer circumstances of the kind, to interfere in any degree, with the good understanding which I was very desirous of improving with this country. From what the King & his ministry had told me which was afterwards repeated in a very formal manner by M.r Merry, as he said by order of L.d H. of the pleasure with which his majesty had rec.d me here, I concluded that I stood on the same ground with my predecessors, and thought it better to be satisfied with it, than make it a subject of contestation especially at the present moment. By no act of my own however have I given a sanction to pretentions which I considered degrading to my country. In my intercourse with the gov.t & with others, it has probably been seen that I neither felt or acknowledged any inferiority in a national or individual sense.

Another consideration which made me very desirous of withdrawing hence, is the enormous expense attending a residence here. It is a fact that in all those articles which a family necessarily consumes a doll.r in the U States is equal to a guinea here. In some articles the ratio does not apply; meats for example are generally not more than double here what

they are there; poultry is quadruple what it is in Richmond; groceries are at least in that proportion; tolerable coffee is 7 s. per lb.; wine & spirit in the same proportion, fruit exceeds it. Be assured that I had suffered enough by the suite of my former appointment to France not to have been sufficiently on my guard here. But no precaution can protect one against such charges. It is I fear impossible to live here in a manner, which wo^d^ not expose me to reproach, on the salary, and as I owe some money & am advancing in years, it seemed to be a duty which I owed to my family to withdraw from a situation which threatened to involve me in greater debt, with a view to devote the remainder of my active life to make some provision for their advancement and my comfort. Having as it were relinquished a second time the bar I saw some hazard in returning to it. The employment adverted to seemed to be one, in which I might continue to serve my country, & in the mode you mention promote also the interest of my family. But that I see is altogether impossible & therefore relinquish the idea of it. Indeed I was not certain that it was practicable at first, of which I became more doubtful afterwards, since I perceived many reasons why I sho^d^ remain here thro' the next winter, as I intimated to Mr Madison in a subsequent letter. On the subject of the outfit, I thought after the experience I had had, that ½ an outfit to Paris was in itself reasonable, & might with propriety be allowed. There is an actual expense attending such a service which the annual compensation will not

provide for. There is an equipment which the present style of that govt requires, the want of which wod have been noticed in me & perhaps done harm, which will cost five or six hundred pounds. For an extry. mission ½ an outfit, is a moderate allowance, with a quarters salary to bring him home. It is I presume less by ½ what has been heretofore allowed. Had I been a resident minister with either govt & transfer'd to the other ½ an outfit wod have been allowed. The reason appears to me to be stronger in favor of that allowance to one who leaves his home & affrs, who has to encounter the expense of equipment (I mean personal), after incurring a much greater expense, in a much longer voyage. However on this point I wish nothing that is deemed improper—or likely to expose my friends or myself to the slightest imputation of departing from a system of economy which it is indispensably necessary in all future cases to observe. Having accepted a resident appointment here, made it seem necessary that I shod remain longer than on experience I found comported with my interest or desire. It was that with other considerations which induced me to suggest the idea to Mr Madison of prolonging my return untill the next year. Should I go to Spain be assured that I will do every thing in my power to execute a particular comn which is suggested in yours. You cannot estimate too highly the propriety of due attention to that object. I shod most probably have hinted something on that head heretofore had I not supposed you wod have obtained due information from other quarters. I shall deliver

the shortest letter to Mr Williams & suppress the other. Mrs M. has not enjoyed her health well here, owing to the moisture of the climate. At present she is better. We are much gratified by the details you have been so kind as [to] give us of our good neighbours, to whom be pleased to present our best regards. The establishment of the family of Trist gives us much pleasure. My recommendation of Mr Skipwith to the collectorship at N. Orleans was made on the idea that Mr Trist was provided in another line. I shod certainly recommend neither of those gentn to employment at the expense of the other. I hope however something may be done for Mr Skipwith in that quarter since he seemed disposed when I left France to move there in case he failed to obtain an appointment. I shall reconcile him to what has occurred.

I am dear Sir very sincerely your friend & servt.

P. S.—I took the liberty to mention Mr Prevost in a letter sometime since to Mr Madison in the hope that some attention might be shown him if an opportunity offered.

TO JOHN R. LIVINGSTON.

LONDON March 19, 1804.

DEAR SIR,—I was lately favd with yours of Jany 16. requesting me to endeavor to obtain of this govt permission for you to import from Calcutta to U States 300. tons of salt petre. It would give me much pleasure to have it in my power to render you the service you desire, and assure you with regret that it is utterly impossible. At this distance it is useless & perhaps

(exposed as letters are to casualities) improper to explain the reasons. They are however known to the Secretary of State. Sho^d you pursue the idea & obtain his sanction I will undertake the object & do what I can to accomplish it.

I rejoice with you & the rest of our fellow citizens in the peaceable surrender of Louisiana to our government. I consider the acquisition as being of inestimable value to our country. In addition to the vast augmentation which it makes to our exports in articles of the greatest value, to our wealth, our country, & political importance, it merits to be estimated in equal degree, by the tendency which it will have to cement our union. The commerce of the Mississippi under our gov^t, the navigation employed in it, being as may be presumed chiefly American, will draw us together by a new bond, which must essentially strengthen that which previously existed however strong it might be; and I was always one of those who thought it indissoluble. I doubt not that some of our best citizens will establish themselves in that country. The invitation which it gives to industry & enterprise is great. I sincerely wish your brother Edward[1] success & beg you to assure him of it.

The state of the war here has not varied of late. The King has in a great measure recovered his health, which at one time was in a great measure despaired of. Be so good as present our best regards to your lady & family & other enquiring friends & believe me with great respect & esteem sincerely y^r ob^t servant.

[1] Who had embarked for New Orleans the preceding December.

I have not heard for some time from Paris; when I did last y^r^ brother & other friends were in good health.

TO GEORGE TAYLOR [?].

LONDON April 7. 1804.

DEAR SIR,—I have your favor of March 30. and have no hesitation respecting the accommodation you desire but what proceeds from an apprehension whether by making it, I shall prove myself a friend to your father or yourself. Knowing how independant and wealthy he is, and how exact in all his arrangements, I take it for granted that the sum he has allowed for y^r^ support has been founded on a just estimate of what was necessary for every useful purpose, beyond which he declined going lest it might tempt you from your studies & lead to dissipation. If he knew that I had furnished you any money would he be thankful to me for it, or not or more likely to censure me for interfering with his plans in a concern of the highest importance to him? I am aware that there are cases in which the interposition of a friend may be useful when a parent is at so great a distance. They are such as would induce the interposition of the parent himself, if he was present. If the sum allowed is not adequate to the object it ought to be enlarged. I have no doubt if that was the case that on a representation of it, your father would enlarge it. In case of such representation, if your banker would not supply what was necessary in the interim, he admitting the insufficiency of the same, it would be proper for me to supply it, & I

should do it with the utmost pleasure. There are even cases proceeding from indiscretion, in which such interposition is proper, to save the youth from embarrassments tending to injure his credit & lead to other indiscretions more hurtful to him. By your letter it appears that the sum is adequate for necessary purposes, & you do not state, to what cause it is owing, that you have anticipated it. I am far from suspecting that it is owing to any improper cause; I presume the contrary. I have been led into this view of the subject from a sincere desire to prove myself the friend of your father, & to merit your approbation by the part I act, when you shall have gained a few more years. I wish you to consider the above, and if on reflection you find that the advance is necessary to any useful pursuit, to your credit, or even comfort, & that by making it I shall stand justified to your father, I beg you then to draw on me for the twenty five pounds mentioned which I will pay on sight. You will be so good as to write me your decision, without delay. I am with sincere wishes for y^r welfare y^r friend.

In case you draw for the money let me know the person in whose favor it will be.

TO CHARLES PINCKNEY.

LONDON April 13. 1804.

DEAR SIR,—I have just rec^d your favor of Feby 22^d by Mr Graham to whom I shall pay the attention you desire. I had before rec^d two other letters

from you, one by Mr OReilly & the other by Mr Fouvergne which I shod have answered sooner had I had anything interesting to communicate, & a safe opportunity. This will be committed to Mr OReilly who sails for Cadiz.

Nothing is more doubtful than the course which this war may take, or what powers may escape its ravages or ultimately become parties to it. The northern powers seem disposed to remain neutral if possible. Russia has occasionally exhibited some simptoms of a contrary temper but yet not in sufficient degree to compromit the cabinet, at least that I know of. It is said that the Imperial courts are closely connected at this time, but the object of their union is said to be the protection of the north of Europe. If it is for offensive operations of any kind, the engagement is yet to be unfolded by some publick acts, for none have yet been seen.

With respect to Spain nothing has occurred of late, which throws any light on the views of this government, as to her neutrality. The external is that of amity, & corresponds with the prior deportment to that power. The Spanish minister here, seems sanguine in the hope that her neutrality will be preserved. But that is a thing so dependant on internal as well as external causes, that no calculation is to be made by what now exists, of what may be the case hereafter. The present ministry keeps its ground, & seems to be as firm as before the commencement of parliament, except as it naturally loses by the indisposition of the King. Shod he die, it is believed a

new ministry will be formed, but of whom, is quite uncertain. The general opinion is that in case the Prince comes into power, either by the death of his father, or as regent that Mr Fox will be brought into the ministry. Sho^d^ the King recover the probability is the present ministry will remain. The health of the King has fluctuated much. At one time the daily bulletin was discontinued on acc^t^ of the great improvement of his health. At present he is said to have relapsed, but still he is occasionally in a situation to do business. I do presume that in the course of a few weeks his disorder will take a decided character either that he will do well, or the subject be brought before parliament.

You ask me whether I am to join you in Spain and in case I do when on the business entrusted to us jointly. On that point I can give you no positive answer. I shall not leave this till I hear from the Secretary of State. His last letter intimated that the President expected that I sho^d^ join you, respecting which, & the topicks connected with it, I sho^d^ soon receive instructions. I wait those weekly the purport of which will doubtless be communicated to you at the same time. I have no doubt that the view which the Spanish gov^t^ seems now disposed to take of its interest towards us, as you are so good as to communicate by Mr Graham is a correct one. It is surprising that it has been so long in taking it. It is certainly theirs and our interest to adjust all points amicably. That being done our friendship may last for ages. Should I come to Spain it will give me

much pleasure to meet an old friend with whom I have so long harmonised in political opinion, and especially on the subject committed to us. I shall certainly write you whenever I have an opportunity, especially as I can do with less risque by the cypher brot. me by Mr Graham. I am dear Sir very sincerely yours.

TO ARCHIBALD STUART.[1]

LONDON April 18. 1804.

DEAR SIR, — I feel a very great desire while I am here to be useful to all my old friends as far as I may be able. In that sentiment I naturally look to those of my early life, and especially such as it may possibly be in my power to serve. You may want books or some other objects in which myself or Mrs Monroe may render service to you or Mrs Stuart. If such should be the case I beg of you to command me. If any of our friends of the Court, with whom we both stand on the best footing, should have the same desire, it would also give me pleasure to obey their commands. In the article of money you know I never was of the fortunate. Now I am peculiarly otherwise from the great expense attending my situation or rather a subsistence in this country, still if you find a convenience in my advancing it for you I will most willingly do it.

The wisdom and virtue of our present administration will I think advance the prosperity of our country to the greatest possible height. It will confirm

[1] From the original owned by the Virginia Historical Society.

the republican system at home and make it more respectable abroad. We certainly never held the high ground in Europe that we now do. Our flag is respected by both parties & we enjoy friendship with both.

It will give me great pleasure to hear from you. Present our best regards to Mrs Stuart & family, as also to Mr Coulter & Mr. Kinney. When did you see John Monroe? When you do remember me to him. How does he get on & how are his family? I am dear Sir, Sincerely yr friend & servt.

TO JAMES MADISON.

LONDON April 26. 1804.

DEAR SIR,—I received yr publick letter of Febr 14. & your private one of the 16. Having presented a project of a convention to Ld H. in obedience to your instructions of Jany. 5., it seems advisable, to reserve my communication with him on these latter topicks, for the opportunity which will be furnished me by his reply to that project, shod the present ministry stand, which becomes by late events improbable. I have heretofore observed that no one in power here had spoken to me on the affr with Mr Merry, and that I was satisfied, orders had been sent him by the ministry as soon as intelligence of it was recd to conform with whatever rules our govt adopted in respect to its intercourse with foreign ministers. I believe it is the first case that ever occurred of a foreign minister attempting to dictate to any government, how it is to

behave in that respect. All the controversies that I ever heard of, were such as grew out of a competition for rank of foreign ministers accredited with any govt, with each other. I think they have invariably admitted that every govt shod regulate its own rights & ceremonies with the *corps diplomatique* as it thought fit. Nor do I know that it was ever disputed, that it had not also the power to regulate the relative etiquette between the ministers themselves in their intercourse with the government. If it did not possess the first power, the independance of the govwod be at an end: and if it did not the second, there might be a combat in the presence of the chief magistrate for precedence between rival ministers at every interview. I have never heard of other inquiries being made where I have been, by ministers arriving, who wished to be presented, and commence their duties, than what the rules of the govt were respecting its intercourse with them. Nor did I ever hear after those were known of any minister objecting to them. They endeavor on the contrary to observe them with an accuracy and fidelity which are extreme in every case that I ever knew. The little attention that is paid to them here by the King is never complained of. That he never invites them to his table, nor admits them to his presence but at his hours, or audience specially desired, & then standing, and dismisses them as soon as possible, is thought perfectly proper: that his ministers do not return the visits made them by foreign ministers, is also approved, unless the fact be otherwise, in which case the omission

in my ca[se] by Ld H. was intended to be personal to me or my gov^{t}, which does not strengthen Mr Merry's pretentions. I am told there was a dispute between the late French minister here & the Russian, respecting precedence, which was submitted to the King, who regulated that he who first arrived at the palace sho^{d} enter the levee ran [king] first, which establishes the pele mele system between foreign ministers. The first Consul entertains occasionally the foreign ministers, but the invitations are written, as well as I recollect, in the name of the prefect of the palace; are sometimes given on the same day, never sooner than the day before, and are obeyed like mandates whose authority is absolute. They are permitted to sit in his presence only at the table; before and after in the drawing room, they stand. I think the ministers would at any time have disapproved Mr Merry's conduct, at the present I have no doubt it has given them equal surprise and concern. Having reason to believe that they have ordered him to conform, and no occasion being furnished me to lead to the subject in conversation I never spoke to them on it. I own that as I had tho^{t} favorably of him, & given him an introduction to you, I wished the affair to take its course, as I am persuaded it has, without any agency of mine. I have been however and shall be ready to take the proper steps in it, sho^{d} any appear to be necessary.

On some late questions in the H. of Commons, in one the majority of the ministry was only 52. in another 37., so that it seems probable that a change

will soon take place. In the first the opposition counted 204. in the 2d 203.; the difference in the ministerial vote in the last was occasioned by the withdrawing of so many of the friends of the ministers. This state of things has been produced by the union of Mr Pitt's & Mr Fox's parties in those votes, which respected some points of defense. It does not appear that any positive agreement or coalition has taken place between them or even ante-doors conversation, as to ulterior arrangements. They seem however to be united in the project of overthrowing the present ministry, in which they will doubtless succeed, perhaps in a short time. It is more than probable that the result will bring them both into the ministry Mr Pitt in his former place, Mr Fox into the department of foreign affairs. Many courses tend to produce this effect. Mr Pitt stands better with the present King than Mr Fox, but the King is in bad health, believed to be frequently insane, & likely at no distant period to give place to the prince of W., with whom it is thought that Mr Fox is on better terms. It is also thought that the employment of Mr Fox will furnish a better prospect of adjusting the difference with France than that of any other person, as of uniting the country in the prosecution of the war shod it be indispensible. Under such circumstances it would be hazardous for Mr Pitt to enter the ministry without the aid of Mr Fox, in case he had the option. And if the option lay with the other party he might find motives equally strong for bringing into the ministry his former antagonist, who is very popular with a very

numerous & powerful class of the nation, especially the mercantile, and whose cooperation might shield him, in case of the prosecution of the war, sho[d] it be attended with unfortunate disasters. Whether their union is practicable or can be durable is uncertain. Certain however it is, that present appearances promise it, and in a very short time. I am dear Sir sincerely y[r] friend & servt.

TO THE SECRETARY OF STATE.

LONDON May 3. 1804.

SIR, — I received by duplicate two days past yours of March 5th to which due attention shall be paid, in the progress of the business entrusted to me here.

I had been advised by Commodore Preble of the blockade of Tripoli by the squadron under his command which he requested me to notify to this government. But as I doubted the propriety of the measure, I thought it best to take no step in it. Of course it cannot be attributed to our government, or give any sanction to the doctrine in other cases.

In some late questions in the House of Commons relative to the publick defense, the ministry, by the union of the several parties who in different degrees had been lately opposed to it, was left in a small majority. The first of these was moved by M[r] Fox and supported by M[r] Pitt. The second was moved by the latter and supported by the former. A like proceeding was expected to have taken place immediately afterwards in the House of Lords. A notice

for a similar motion having been given by one of its members for Friday last; at the moment when he was about to make it, Lord Hawkesbury desired a postponement for some days, on considerations, which altho' he deemed it improper to communicate, yet he assured the House they were of a nature to secure a general acquiescence if known. The postponement was accordingly granted. Every one inferred that his Lordship alluded to a change in the Ministry which it seems is about to be verified. It is believed that the opposition in the House of Lords, had a vote been taken, would have proved at least as formidable as in the Commons. It is reported and apparently on good authority, that a communication has been since opened from Buckingham House, the residence of the King, with Mr Pitt, by virtue of which he has presented to his Majesty a plan of administration, which it is expected comprizes the leading members of the late combined opposition, placing himself in his former station, Mr Fox in the department of foreign affairs, Lord Grenville in the Home Department, and also gives employment to Mr Wyndham, Mr Grey, Lord Melville and others. A few days will reduce this business to a certainty. It is evident that the whole power of the state is taken into the hands of the opposition whose members dictate to its chief the terms that are likely to be adopted. Their views however seem to extend no further than a change of men; they do not appear even to contemplate a change of measures. Mr Fox it is true in the speech which introduced his motion, took ground which

manifested a determination that whatever might be the result with respect to the new field which was opening, he meant that his future life should be consistent with the past. He seemed to anticipate a change in which he might possibly be called to act a part, and to avail himself of the occasion of announcing to all who were interested what that part would be. He did not hesitate to reprobate the war, to express a strong desire for peace if to be obtained on suitable terms; and to speak of the doctrine of prerogative which he said had been carried too far in a late act of parliament, which ought to be expunged from the code. But these parts of Mr Fox's speech were not adverted to by any of those who supported his motion, and are therefore not to be considered as among the motives which united the opposition. Indeed it is doubted by many whether Mr Fox will be appointed to the ministry, but from what I have seen I am led to conclude that he will. I cannot think that the King, if the state of his health permits his attention to the subject, after acceding to the removal of his present ministers, and accepting others none of whom are perhaps agreeable to him, will object to Mr Fox alone; for yielding at all, the probability is that he will do it fully. Nor is it probable that the others by whose efforts combined with his, this change has been produced, will feel themselves at liberty, to form any administration which leaves him out. Altho' no express agreement may have been made between the parties as a result, yet such a conduct would be likely to expose its authors

to such reproach, as might injure them in the sequel. There are other considerations of great weight which make it presumable that he will not be neglected in the arrangement. The declining state of the King's health, and the approaching elevation of the Prince of Wales, by succession or as regent, in case of the death or continued indisposition of his father, and the partiality which the Prince is believed to have for Mr Fox, are circumstances which are not likely to be lost sight of on this occasion. The conduct which is now observed to him may be reciprocated hereafter. For good offices at this time a return may be expected from him when in his power. Besides it appears to me doubtful whether Mr Pitt would be willing to embark again in a war against France, with any association of character which could be formed to which Mr Fox was not a party. The present war is in truth not to be viewed in any other light than as a continuation of the former one. Nor does there seem to be any reason to conclude that the result of it will be more favorable to this country. The part which Mr Fox acted in the last war, and the opinion he is known to entertain of the present one, make it probable that he would be able to obtain a better peace than any other person: or should peace be unattainable on reasonable terms, and a vigorous prosecution of the war deemed necessary, it seems equally probable that the energies of the government will be increased, and the responsibility of others much diminished by having his support. It appears from what I hear that neither of these gentlemen was desirous of going into

the ministry without the other, or rather in opposition to the other. In this idea I do not speak of them as individuals, but as leaders of parties whose views have been in many respects essentially opposite. I rather think in the present state of the world, that each would be glad to have the other as a shield to break the responsibility to which he would be exposed, in case of a possible series of events, should either stand alone.

Whether the new administration, if one is formed out of this new opposition, will be really desirous of peace or prefer a prosecution of the war is very doubtful. If Mr Fox is brought into it on equal terms, by which I mean such an arrangement of character as will secure an equal vote in the cabinet, in favor of what appear to be his views, I shall think that they seriously contemplate peace. If he is brought into the ministry on less favorable terms, I shall still think that they mean to have the alternative in their hands, and be the object what it may, nevertheless to impress the nation and Europe with a belief that it is peace. If peace is made, the House of Bourbon will most probably be abandoned forever by this government, and a new and closer connection formed with the present government of France. While they are at variance we are perfectly safe; but whenever an union or concert takes place between them there is just cause for apprehension. This government cannot well be at repose nor allow it to other nations. In commencing this war, there is reason to think, that South America and all the neighboring islands, were among the objects, and that

we might have commanded our own terms if we would have been a party to the enterprize. Disappointed there, and in any project which it might have entertained with respect to France, if peace should follow, and a concert of views and measures take place between the two governments, is it not probable that new schemes may be projected in which we may be interested, tho' not in the same mode? Our standing at present is good with France, as it is here. It may perhaps be preserved at all times with both powers, but that will depend upon circumstances. In some views we seem to be an object of jealousy to both governments; in many to this. Peace and a concert of measures between them, tho' an improbable is by no means an impossible event. It is observable that in none of the discussions which have taken place in parliament, has that degree of the virulent abuse of the government of France, been seen that was formerly practised. M[r] Pitt more especially has been very guarded on that point: he has said much of the growth of French power, but very little of those who wielded it. New causes of irritation are therefore avoided, and should peace take place and other interests and views arise, the ancient animosity might not present an insurmountable impediment to their execution. These are cautionary hints and I trust entirely visionary, tho' the danger to which they refer appears to me not to be too remote to be altogether disregarded. You will perceive that they are of a nature, a disclosure of which could not be productive of advantage.

You will readily perceive that in this state of things I have been able to make no progress in the business depending with this government. As soon as a new ministry is formed, should such be the result, I will resume the affair with the successor of Lord Hawkesbury, who will leave it as you know in the first stage. Your communication with the Spanish minister, a copy of which is received, with the letter above acknowledged, will be essentially useful to me in the points to which they refer.

You will receive herewith a copy of my answer to Lord Hawkesbury's circular letter to the foreign ministers accredited to his government, on the subject of the conduct with which Mr Drake,[1] British Envoy at Munich is charged, by the government of France. I have endeavoured in it to shew a suitable attention to this government, without saying anything on the merits of the question. A copy of the circular you will find in the gazettes which accompany this. I am with great respect and esteem, Sir, Your very obedient servant.

TO JAMES MADISON.

LONDON May 5, 1804.

DEAR SIR,—My late letters will have communicated almost everything that deserves notice at this time. The new ministry is not yet formed, but there seems now to be no doubt, of the present one's withdrawing,

[1] WIMPOLE STREET May 1st 1804.

My Lord,—I have to acknowledge the receipt of your Lordship's letter of yesterday communicating the views and sentiments of his Majesty's government respecting an important transaction which has occurred in the present war be-

& that Mr Pitt, Mr Fox, & their respective friends will take their places. The mind naturally looks forward to the consequences likely to result from such a change. The most probable & important is that of peace. A new era then opens to the governments of these countries. They have wrestled with each other for some time, and find that without being able to do any real injury to its adversary, the continuance of the struggle, by its unavoidable burdens, without going into an estimate of dangers that are conjectural, subjects each to the most serious embarrassments & distress. Taking warning by what has occurr'd, it is among the probable results that their policy may entirely change. Each has it in his power to render much service to the other, in many ways, which will readily occur to you, and therefore need not be stated here. It will be well to observe a very cautious policy in regard to St Domingo; to give offense to neither in that ground. Has the remainder of the stock been sent to Paris? by the latest acc^ts^ it had not arrived. It is anxiously to be wished that it was there, & the whole business closed. The preceding delays in the U States gave uneasiness to the bankers here which might have been produced by intelligence from Paris. A late interesting communication has been made me by an authority, whose opportunities of information, and character entitle it to very great respect, of the

tween Great-Britain and France. Your Lordship may be assured that I entertain a high sense of the delicacy of the motive which induced the communication. I shall hasten to transmit to my government this interesting document, by whom I have no doubt it will be received with the consideration it merits from a neutral and friendly power. I have the honor to be, my Lord, with the highest consideration, Your Lordship's most obedient servant, JAMES MONROE.

views which this gov^t entertained thro' the whole of the late war, with respect to us, which altho' it did not excite my surprise has given me much concern. I have not time to put it in cypher, & dislike to trust it otherwise. The general idea I will hasard by a gentleman who will put my dispatches into your hands. Details will be given hereafter. This gentleman informed me, as a fact of which he had the most perfect conviction, that there was an agreement between this gov^t & the House of Bourbon, in the commenc'ment of the late war, that in consideration of the former uniting to restore the latter to its antient powers, in case of success, France sho^d then assist G. B. to recover back the U States. That the measures of that day which fell so heavy on us, were a part of that system, taken at a moment of success & modified afterward by the reverse: that the plan was again revived when Suwarrow entered Italy, & the Duke of York invaded Holland, at which latter moment, a paper was thrown into circulation which recommended a commenc'ment of hostilities against the U States, but on receiving intelligence immediately afterward of his defeat the paper was suppressed and denied, tho' it was believed to have been written under the authority of those in power: that the plan was certainly entertained 'till after the battle of Marengo, & perhaps to a much later period, tho' the superior fortune of our country and decline of their own affairs since has entirely kept it out of view if it has not suppressed it. This gentleman mentioned some facts & circumstances which strongly support the communication,

and cannot be given but in cypher. This communication was not invited by any circumstance on my part, was altogether unexpected, as it was a subject on which I sho^d never have thought of speaking to anyone here. I am nevertheless satisfied that it was made in perfect good faith. I sho^d not be surprised if peace is made with France, to see some new project started, & in the present state of the world, and of the people in power in different quarters, nothing is too extry. not to be apprehended. The merchants of this country govern it, or the mercantile spirit is that of the government; it is perpetually in pursuit of jobs and enterprises. Driven at present from the continent where it has kept up feuds & wars for ages, it will turn its attention & direct its efforts perhaps elsewhere. Not being able to accomplish its views against France, it may strive to hit on some project in which they may co-operate. The late ministry, for it seems to be at an end, had moderate views. The present one will be composed of many of the former one, who will likely think as they then did. In Mr Fox's character, for peace & a just policy toward us I have much confidence, tho' as yet I have only seen him at a distance: but his introduction into office commences a new era, the character of which is yet to be ascertained. I shall even be acquainted with him officially, if he is made Sec^ry of for. aff^rs, as is expected. I shall then be able to speak with more certainty of his views, and knowing them of the probable result of the present arrangement.

I shall certainly not proceed to Spain till you

direct me. I have repeatedly assured you that I had no personal wish on that head, otherwise than as the publick interest might dictate. On the whole of the above which I had intended to have reserved to be communicated in cypher you cannot be too secret. Sho^d anything transpire you may conceive that it w^d ruin the individual, on whom suspicion might light, of giving me the information, and I fear we have too many among us who watch every tho slightest circumstance to transmit it here. I am dear Sir y^r friend & serv^t.

TO JAMES MADISON.

LONDON May 6, 1804.

DEAR SIR,—As the gentleman to whom I gave my letters to you, yesterday, will not depart till this evening, it enables me to add a few remarks on topicks that are connected with those which are conveyed in my private letter. As I always hoped to get back in the course of this fall when I sho^d be able to state in person some ideas, which I do not wish to trust on paper, especially as there appeared to be no urgency for it, I reserved them for that opportunity, but as it now seems probable that I shall not, I think it best to subjoin them to those which are already committed. I was perfectly satisfied, that a desire to place us at repose, with respect to France, to establish a solid peace between the two nations,& prevent our connection with Engl^d, by a liberal policy, were among the strong motives, which induced the cession of Louisiana, to the U. States. But I was equally well satisfied that

the state of the interior of France, in reference to the pressure, that was then made, furnished another, that was no less strong. The organization of the government was then too recent, and the views it began to unfold, too uncertain of success, to make it safe to hasard a controversy, or rather a war, with the only free nation on the earth, on grounds, whose obligation was not irresistible. I thought I saw simptoms of there being a party in that country, of sufficient power to merit the attention of the govt, which was adverse to the existing state of things, and which would gain strength by such a controversy. Subsequent events have confirmed me in these opinions. Should the plan which seems to be completed there succeed, and the existing power be solidly established, is it not possible that the cession which was made will be regretted? Such regret would not be likely to prove injurious to us, let the order of things there be ever so stable, if peace does not take place between these countries, and in consequence of it, what would be extry. and indeed wonderful, a concert of measures between their govts. According to appearances the case of St Domingo, seems to be put aside, for the peace. Neither govt will or can, I presume, interfere with it sooner. Then it is possible, that they may unite in some plan respecting that Island, and perhaps every other interest or relation they may have with that region. This shews the propriety of our acting with caution, in that respect. Our situation is imposing & promises to continue prosperous & happy. We seem to have a natural right, to free intercourse with the W.

Indies, and I have no doubt we shall, e'er long, command it, on suitable terms. If we continue to gain ground at home, and to impress the world with a belief, that the American people are united, in the resolution to support their union, & present republican government, I am convinc'd that we shall not only be left undisturbed, but be courted by every other power. If we give them no just cause of offense, they will probably not be disposed to trouble us & if we continue to gain strength, & improve our means of defence, they will not be able to do it. I have seen a proclamation of the negro government in St Domingo, offering a reward of 40 doll^{rs} to the commanders of our vessels, for every one of its blacks now in the U. States, whom they may bring back to the Island. This is probably a measure of policy, intended to encrease their strength, to enable them to make a better resistance hereafter. It may be otherwise, and in any event may escape the attention of the French gov^{t}. If you are formally applied to, it is much to be wished, that such a course be taken as to shew, we have no interest in the measure, & give it no sanction. We shall soon see what course, affairs are likely to take, on the change of the Ministry here, which it is expected will take effect to-morrow. The difficulty I am persuaded is not with the King, whose state of health is too delicate to permit him to be much agitated with the subject, if at all. I am inclined to think that the interval is employed, in negotiation between the leaders of the several parties, in opposition. It cannot be agreeable to either M^{r}

Pitt or Mr Fox to take a subaltern place, & perhaps if they cod surmount their own objections, their respective friends may not be able to do it. Various reports circulate on these topicks. At one time it is said that Mr Gray is to be Chancellor of the Exchr, at another Ld Fitzwilliam, & that Mr Fox is to go as Ambassador to Russia, that Mr Pitt is to be only first Ld of the Treasury &c. I presume however that the arrangement, which I have heretofore mentioned, is most likely to be adopted. It was peculiarly fortunate for Mr Pitt, according to the view I have of the subject, that this crisis took place during the life of the King, or while he could take a part in it, since under all circumstances, it could not well fail to give him a great influence, in the measures to be adopted in it. Still as the indisposition of the King was a principal cause of the crisis, it is reasonable to presume, that the opinions and wishes of the P., who is likely soon to succeed, as regent if not otherwise, have likewise considerable weight.

It is proper to say something respecting a reply, to a circular letter, on the other side the channel. It produc'd a sensation here, but I was never spoken to abt it. It is of course considered as the act of the individual, & will be forgotten soon. Extreme caution on all such subjects, shod be rigorously observed with you. As this govt does not complain & the Ministry to whom it applies, is to retire, nothing will be thought of it.

On the subject of our affrs there under the convention I am greatly concerned to hear, of the state, into

which they have fall'n. Being perfectly ignorant of the nature of the controversy between the parties, I can say nothing on its merits. I am however too well acquainted with the character of two of the com^rs & the agent, not to believe that they are men of the most perfect integrity, and disinterested, & patriotic views. I was also too well acquainted with the general state of things there, in that respect, not to be anxious for the result. The tone however which a certain publick functionary takes there, of accommodation, which cannot fail to produce its effect, at the present time, seems to impose the necessity, even in case the merits in these points sho^d be against him, of great delicacy & caution in expressing any sentiment on the subject, if to be avoided lest it might be attributed to other causes & do mischief there. But I repeat my ignorance of the subject, and sho^d not hasard these remarks, were I not prompted, from the consideration of the critical state of aff^rs, to give you this hint. I am sincerely yours.

TO JAMES MADISON.

LONDON May 22. 1804

DEAR SIR,—As I shall write you a publick letter soon I take occasion to observe in this that the material changes in the Ministry are Mr Pitt in the room of Mr Addington, Ld Harrowby in that of Ld Hawkesbury who has taken that of Mr Yorke retired; Ld Melville at the head of the admiralty instead of Ld St Vincent. The Grenvilles & Wyndham refused to

enter the Ministry without Mr Fox, who it is expected will unite with them in the opposition. It is said that the King refused to take Mr Fox into the Ministry. Thus matters now stand. The foreign ministers have had one interview with Ld Harrowby, which was merely introductory. In that, which was private with each, I mentioned all our concerns to him, & was answered by a desire, that as he had so lately come into office, & had so many objects to attend to of the first importance to his country, I wo^d^ not press him on those of the U States, which he presumed were not so urgent to either party. I informed him that I had already shewn a disposition of that character in all my transactions with his gov^t^, which I sho^d^ certainly observe with him, but nevertheless earnestly hoped that he wo^d^ soon give me a day when I might call on him to confer further on those subjects, and more especially pressed that he wo^d^ conclude the business with Mr Pinckney as soon as possible. His manner was conciliatory, tho' he observed that he could give no opinion on any one point.

Three days since Mr Livingston our Minister at Paris arrived here, on a trip of amusement. His visit will certainly not be well rec^d^ by the gov^t^; at least such is my opinion. It seems to excite a considerable sensation, and in the present state of parties here, may very probably be attributed to some political motive. If he has any I am altogether ignorant of it. We have been much together, & nothing of the kind has been suggested. As it is the unquestionable

duty of our country to have nothing to do with the political controversies of England, it is my opinion, as it has been my practice, that its publick agents abroad shoᵈ adapt their conduct to that principle. This movement naturally draws the attention of three distinct parties: the govᵗ of France, of this country, and the opposition to it. Altho' it may be totally unconnected with all yet each will be affected by it. I have reason to think that this govᵗ will shew him no attention or rather let it be seen that it is not pleased with the visit. It places me in rather an unpleasant dilemma, to avoid the suspicions which attach to him, without giving offense here and elsewhere, to those whose good opinion it is important, in my situation, to preserve. I consider it however my duty to shew him all suitable attention, relying on the just & inoffensive motives of his visit, and on the propriety of my own conduct in other respects to shelter me from any improper imputation.

The business at Paris you will have found has got into an embarrassed situation. I think it all important that it be settled without delay, more especially that it be concluded before the end of the term specified by the convention. It is possible he may contemplate some conversation with me on this subject. I do not know that it will be proper for me to say anything on the subject to the commʳˢ Indeed I am too ignorant of the grounds of the difference between him & the commissioners to have any opinion on the subject at present. I need not tell you that I am perfectly satisfied if they have erred, which I am far from

presuming, being altogether unacquainted with the merits of the question, that the error cannot possibly be ascribed to any improper motive. I have the most perfect confidence in their integrity & in that of Mr Skipwith the agent. To carry all these things through, considering the state in which they are, the propriety of moderation in reference to the principle of our govt, the credit & advantage of it in reference to foreign & domestic concerns, requires all the wisdom & prudence of our government. On hearing Mr Livingston's statement, if my advice can be of any use either to him or the commrs it will certainly not be withheld.

In this day's paper there is a declaration of the Emperor of Russia relative to the infraction of the territory of the Prince of Baden by the first Consul, in the case of the Duke d'Enghien which is thought to promote a cooperation on the part of that power with this govt against France. I enclose it with this. In itself there is nothing conclusive. I enclose you a letter for our estimable friend Mr Jones. Our best regards to Mr Jefferson & yr family. Sincerely I am yr friend.

TO THE SECRETARY OF STATE.

LONDON June 3d 1804.

SIR,—The late struggle in the parliament has produc'd the appointment of Mr Pitt to the place of Mr Addington, of Ld Harrowby to that of Ld Hawkesbury, the latter being removed to the home department, from which Mr Yorke retired, and Lord Melville to

the head of the admiralty, in the room of L.d S.t Vincent. Not many other changes are made, the present ministry being formed principally of M.r Pitt and some few of his friends, with the other members of the late one. It is understood that the King would not consent to the admission of M.r Fox into the ministry, in consequence of which the Grenvilles and M.r Wyndham refused to enter it.

While the late ministry was on the decline it seemed useless to press it on any concerns of ours. I remained tranquil in the hope of availing myself with effect, of the moment when it should either recover its strength, or retiring give place to another with which I might treat on the important concerns entrusted to me. As soon as Lord Harrowby came into office, he notified it to the foreign ministers and invited them to an interview at his office on the concerns of their relative countries. As each was introduced separately I took occasion to mention to him, the subjects which were depending with his predecessor, more especially the project of a treaty concerning impressments and other topicks, and the interest of the State of Maryland in some bank stock, which I hoped might soon be concluded. I mentioned to him also that I had lately rec.d from you the ratification of the treaty respecting boundaries, by the President with the advice of the Senate, with the exception of the 5.th article, which I wished to submit to his consideration. He replied that he was glad that I had turned his attention to those subjects, since he would make them the particular object of his research, but hoped that I

would not press any of them, as he had lately come into office and had so many concerns before him of the first importance to his country & of a nature very urgent. I assured him that I had no disposition to hurry any point; sho^{d} wait with pleasure his accommodation, tho' I hoped it would suit his convenience to conclude soon the affair of the bank stock which was entrusted to the care of Mr Pinckney. He promised me to examine the papers immediately, & to write me as soon as he understood them. Near a fortnight afterwards elapsed and I heard nothing from him. As Mr Pinckney was extremely impatient, and I really wished to get into communication on the other topicks also, I wrote him a note on the ult^{o} requesting an interview on the general subject with permission to present to him Mr Pinckney at the same time, which was granted on the 30th As the particulars which occurred in this interview appear to me to be of a nature very interesting, I shall endeavour to state them with the utmost accuracy.

Mr Pinckney opened the subject, the result of which seemed to promise a speedy conclusion of it, in a manner satisfactory to him. As he will doubtless communicate everything that occurs in that concern, it is useless for me to repeat anything that you will receive more fully from him. He withdrew as soon as his object was accomplished. I then asked his Lordship if he had read the project relative to seamen &c., which I had given to Ld Hawkesbury some time since, and which I had mentioned to him in our former interview. He replied that he had not: that

I would recollect that he had requested me to delay the examination of it for the present, as it did not press, the congress having adjourned & the bill concerning it being postponed. I replied that I did recollect it, but that I had hoped by this time he had examined it, and being one which involved no difficulty that he would be prepared to act on it. He said that he was not, nor did he know that he should be during the session of parliament. I told him that his mind being thus expressed I sho^{d} certainly say nothing more on the subject for the present. I then asked him if he was disposed to examine the ratification of the treaty respecting boundaries which I had also mentioned to him in our former interview. He said he had no time, but would be glad to know in what manner it had been ratified. I replied with the exception of the 5th article. He censured in strong terms the practice into which we had fallen of ratifying treaties, with exceptions to parts of them, a practice which he termed new, unauthorised and not to be sanctioned. I replied that this was not the first example of the kind; that he must recollect one had been given in a transaction between our respective nations in their treaty of 1794; that in that case the proposition for a modification in that mode was well rec^{d} & agreed to; that to make such a proposition was a proof of an existing friendship & a desire to preserve it; that a treaty was not obligatory 'till it was ratified, and in fact was not one 'till then. He said that the doctrine was not so clear as I had stated it to be; that there were other opinions on it, and

seemed to imply, tho' he did not state it, that an omission to ratify did an injury to the other party of a very serious kind. He asked me why the 5th article had been excepted from the ratification? I replied that a doubt had arisen whether the ratification of it might not lay the foundation for disputes hereafter from a cause which had no connection with this transaction. This treaty was signed on the 12. of May 1803 — the late treaty with France which obtained the cession of Louisiana bore date on the 30th of April preceding. At the time this treaty was formed neither our minister, or his, had any knowledge of that with France — that the cession of Louisiana was not in the contemplation of either govt, or its agents when their instructions were given or acted on, and in consequence the rights acquired under it ought not & could not be affected by this treaty. He observed, with some degree of severity in the manner, in substance, as well as I recollect, that having discovered since this treaty was formed, that you had ceded territory which you do not wish to part with, you are not disposed to ratify that article. I replied that he had misconceived my idea — that we did not admit that the treaty could have any such effect, since it could not operate on an interest which did not exist when it was made; that we were however anxious to prevent any misunderstanding on the subject by previous explanation & arrangement: that by postponing the subject for the present the door was left open for amicable negotiation & adjustment which we wished: that at present we were treating on a

subject too remote from our settlements to be well understood, or in point of interest, pressing: that by the delay there was no privation or right, and the amicable disposition which now subsisted between the two nations remaining, the affair could not otherwise than be adjusted hereafter to our mutual satisfaction. He repeated again the idea which he first expressed, implying strongly that we seemed desirous of getting rid of an article in finding that it did not suit us. I could not but feel the injustice of the insinuation, which was made much stronger by the manner which accompanied it, nevertheless I only added that he ought not to expect to derive an advantage from a treaty, the conditions of which were not known to his or our govt, when this treaty was made, in an interest of which we alone had paid the whole consideration. I offered to leave the ratification with him, but he declined taking it, observing that it was useless as he could not act on the subject at present.

The conduct of Lord Harrowby thro' the whole of this conference was calculated to wound & to irritate. Not a friendly sentiment toward the U States or their govt escaped him. He proposing a postponement of the interests in which we were a party, he did not seem to desire my sanction, but to assume a tone which supposed his will had settled the point. By his answer he put it out of my power, in assenting to the delay, to mingle with it any expression declaratory of the pleasure with which I acceded to an arrangement which accommodated his government or himself. Such expressions can never be used with

propriety, except where they are voluntary & acknowledged to be founded in generous motives. But no sentiment of that kind seemed to animate him on this occasion. Every thing that he said was uttered in an unfriendly tone, and much more was apparently meant than was said. I was surprised at a deportment of which I had seen no example before since I came into the country, and which was certainly provoked by no act of mine, yet I am persuaded it did not produce an improper effect on my conduct. I did not reciprocate the irritation by anything that escaped me. I am equally persuaded that I made no improper concession, & let it be clearly seen that I felt that I represented a respectable and independent nation, whose govt could not be intimidated, or compelled to lose sight of its dignity by an abandonment of its just claims in its transactions with any other.[1]

I now consider those concerns as postponed indefinitely. I do not foresee at what time it will be proper for me to revive the subject. Much is said of a probability of a coalition between G. Britain and the

[1] "I communicated to you in my letter of the 3rd the substance of what passed in an interview with Lord Harrowby on the 30th ultimo. As the tone which his Lordship assumed in that conference was far from being conciliatory; as he postponed the subjects depending between us, indefinitely; and more especially as he made some remarks, on one of the topicks, which were not strictly in the spirit of amity, I was left in much doubt of the disposition and views of the present ministry toward the United States. I therefore deemed it my duty to make known to you without delay, the impression I had taken, and the cause of it. But since that letter was dispatched, many circumstances have occurred which tend to inspire a belief that the state of mind in which Lord Harrowby was, the expressions which he used, and the manner, ought to be considered more as the effect of some momentary impulse, than the evidence of an unfriendly policy towards us. He took occasion in the next interview which I had with him in the course of the following week, to express himself

northern powers, and the frequent cabinet consultations at which the ministers of Russia & Sweden assist, give countenance to the report. If that should be the case it is probable that the policy and tone of their government towards neutral powers may be less friendly or accommodating. The new minister may seek to distinguish his career, from that of his predecessor, by measures which may be deemed more enterprising. His system in the last war, so far as it affected us, was marked by an extry. harrassment of neutral commerce, by the blockade of France, the islands &c. Our unexampled prosperity & rapid rise, it is well known, excites their jealousy and alarms their apprehensions. It may be painful for them to look on and see the comforts and blessings which we enjoy, in contrast to the sufferings to which, by the calamities of war, they are doomed. Whether the conduct of Lord Harrowby was produced by any change of policy toward us, or by any other cause transient or otherwise, it is utterly out of my power to ascertain at present. My most earnest advice however is to look to the possibility of such a change. The best security against it will be found in the firmness of our councils, and the ability to resent and

in very amicable terms of our government and country. He has since invited Mr. Pinckney, with others, and myself to dine with him; when he gave to the former reason to conclude that the business with which he is especially charged would be speedily terminated to his satisfaction. These circumstances together with a knowledge that our commerce enjoys a great degree of freedom, and as much security from his Majesty's ships of war and cruizers, as is compatible with the maritime system of this government, satisfy me that it is not its intention at present to adopt any measures towards the United States which may add them to the number of its enemies."— Extract from letter of June 23.

punish injuries. It is said, on what authority I know not, that Mr Merry will be recalled and some person of the first distinction sent in his stead. If this is the case, altho' the exterior may be otherwise, yet it ought not to be considered as a measure adopted with a mind to harmony, or from motives of respect to our government, since if such were the objects, the tone which I have above communicated would not have been assumed by Lord Harrowby, nor shod I be among the last to hear of it. These remarks I have deemed it my duty to make, from the circumstances on which they are founded. Being sincerely anxious for peace, from a knowledge such is the happy condition of our country, that much expence & injury must result from war, while it is impossible for us to derive any advantage from it, you may rest satisfied that I shall cherish our present amicable relations by all the fair & honorable means in my power: that I shall also be observant of events & not fail to communicate to you with the greatest dispatch possible whatever occurs which may be deemed worthy your attention. I am Sir with great respect & esteem yr obt servant.

TO JOHN MERCER.

LONDON June 8. 1804.

DEAR SIR,—I had yours by Mr Waddell which gave me information of the gradual recovery of your health. I hope it will soon be perfectly restored. I fear that Mr Cabbell is on the decline. Have you heard of him lately?

Having never recd from you or other member of

the board any acc[t] of the grounds of the differences in opinion between it & the Minister, & he having stated to me but vague ideas on the subject, I am not able to write you anything direct to that point.[1] Of his opinions of the conduct of the board you are well informed, I presume, that is, that he thinks it highly improper, tending by delay and other causes to defeat all the useful purposes of the convention, open the door to speculation to the injury of the creditors who have long suffered, encrease the debt by accumulation of interest, embarrass us with the French gov[t] &c. I cannot state precisely any fact from him. I hinted in our early conversations that he had better state to me in writing the points in which you disagreed, let me compare y[r] respective opinions with the convention to give mine. That he declined saying he did not think it w[d] produce any effect. There are two points in the convention on which I understand you entertain doubts. 1st of these is whether the conjectural note was intended to give any preference to the claims stated on it. 2[d] whether this convention comprizes all the claims that were provided for by that of 1800. or contract the scale excluding some that were provided for by it. On the [1st.] I have a decided opinion, which I will readily give, knowing that it is not obligatory & will have no more weight than it

[1] "I have just seen with much surprise and concern that the little squib in favor of M[r] Livingston, mentioned above, is attributed to me. You will find it in the oracle of this day which is sent with this. I have most carefully avoided writing one line for any gazette since I came here on any subject. With my sentiments on [the affair ?] in question, especially after shunning every previous part of the adventure I sho[d] hardly embark in it in that favor, or indeed any other, in this stage."— Extract from letter June 21, 1804.

ought, which is what your judgment sanctions. The conjectural note was referred to merely in regard to the amount of the claims contained in it "*le resultat a qui ne pourrait, y compris les intêrests exceder la somme de vingt millions.*" It was not intended to sanction a single claim in it, or to exclude any other claim which was not comprised in it. That was the intention of the parties and is in my opinion the fair construction of the clause. Lest however any doubt might arise on the subject, a declaration was endorsed on the back of the copy of the note annexed to the convention to that effect. That the door was left open to other claims is sufficiently clear by the whole spirit of the convention, but more especially by the 11th article, which fixes the latest period at which any claim shall be rec^{d}. If there is any thing in the convention which seems to militate against this idea, yet it ought not to control it, as the principle is just and the convention in the above parts fully sanctions it. 2^{d} That all the debts that were provided for by the convention of 1800. were intended to be secured by this is equally certain. A specification was only desired, (a thing which indeed you may remember I was opposed to, desiring only to rest simply on that convention) to make more secure the payment of the 20. millions to American citizens, & prevent any part being applied to other claims. It was not intended to contract the list or scale of claims which were sanctioned by the former convention; resting on the same ground in point of justice it would have been highly improper to prefer one merely from the

accidental circumstance of its character or quality to another. By nº 2. in the 5th article this doctrine is fully established, tho' the sequel of that clause seems to militate against the doctrine above advanc'd as to the right of receiving other claims, which absurdity I have already answered. By taking the whole convention together I think it is clear that no claim is excluded which was provided for by the convention of 1800. The term debts in the first article is intended merely as a general term, not as applicable to any individual claim ; the same term in the 2d article is used in the same sense ; the reference in the conjectural note in it is not to sanction the claims in it, but give an idea of the amount. You will observe that by art : 5. in the convention of 1800. that " debts " are recoverable. Resting on that convention the same term was adopted. The 4th & 5th arts specify the debts that are recoverable, and by special designation of the causes which created them open the door to a very liberal construction. Indeed I must think that the more liberal it is, provided it is secured to the people justly entitled, the better it will be. In cases of doubt, it is best to err on the side of justice, in extending the payment by liberal construction to all who stand in point of injury or merit on the same ground ; not in discriminating between one description & another of claims. I suggest these ideas for your consideration, on the presumption, that you have doubts on the points to which they refer. You are perfectly at liberty to shew them to your colleagues, as the opinions of an individual who claims

no authority, and respects the independence of the board & has a perfect confidence in its integrity.

There are other things which I have heard which I will mention to you in the same friendly view. It is said that you, in doubting any claim, do not inform the party interested in what point his proof is defective that he may produce testimony to support it. You only ask him if he has no more proof? If he enquires on what point, you answer by repeating the question; never admit any claimant nearer than an outer apartment; and do not even let your secretary hear your deliberations on any question of principle: that you deliberate in secret & give no explanation of the motives or rules of y^r^ conduct in any case. Your conduct in this respect is said to be viewed unfavorably in contrast with that of the late board here, whose doors were always open, who stated the points where testimony was defective & rec^d^ other testimony adduced. I know nothing of these facts, communicate what I have heard only for your information. Your own experience must satisfy you that in cases where the motive is pure, that purity alone is not always a safe shield against the assaults of malice & slander. No plausible opportunity should be given to an adversary to lay hold of a weapon to wound you with. If impure motives can be ascribed to any act or form it is seldom that an adversary omits to do it.

It has been said that our gov^t^ expressed to our Minister its sense of the treaty in certain points, & instructed him to consult the French gov^t^ on those points & in case it agreed to the construction to carry

into effect either by the declaration of such sense by letter, or modification of the treaty: that the French govt did assent in the first mode, but that you refused to accede to it, or to regard a treaty till ratified, which would create a delay of another year. On these points I can say nothing worth yr attention. It is certainly well to execute the present treaty so as to do justice to fair claimants, with the least possible delay, in a manner satisfactory to the French govt. I think that object should be pursued with the utmost zeal, & the business concluded as soon as possible. Pay the 20. millions in such manner as you think right, according to the convention, & you have done your duty: while the whole business is suspended, the creditors clamouring in distress, the French govt indifferent to the subject liable to improper impressions, to be led astray by intrigue, a provision which was intended as a just compensation to injured individuals, a satisfactory discharge of an acknowledged duty by the French govt may be perverted from its original & benevolent object, & made subservient to very different purposes. I need not repeat that I have full confidence in yr patriotism, integrity & ability. have a just sense of the difficulty & embarrassment of your situation, over which however I am persuaded you will prevail, & bring the affair to a happy conclusion. It would be very fortunate if the whole affair could be concluded in harmony, to the satisfaction of all parties. You all well know how favorable it would be to the general credit & interest of our republican govt in the U States & those who administer it. I entertain no

doubt that that sentiment has its due weight in your minds, & that it will suppress anything like passion from y^r^ proceedings, however great the provocation & strong the motive. I have written in some haste, tho' I hope you will be able to make out the contents. My best regards to your colleagues & secretary. Sincerely I am dear Sir your friend & servant.

TO JAMES MADISON.

LONDON June 28. 1804.

DEAR SIR,—My publick letter of the 23. acknowledged the receip^t^ of yours of the 15th April containing instructions for Spain. My private one of June 10th communicated the incidents attending Mr Livingston's trip to this country, as far as they were known to me, with my opinion of the probable effect of it. From every information that I can obtain, it seems clear that it has given to the gov^t^ very great offense. His memorial, his letter, &c., all in one tone, cannot otherwise than have a tendency to compromit our gov^t^, notwithstanding they are known to be his acts and not its. It is said to be inferred by some that he would not venture to act the part he does if he did not know that he speaks the language of those he represents. This idea will gain more strength the longer he remains where he is, especially if he continues to act the same part. His motive for it is very easily seen through. He probably knew well that his memorial &c. had given umbrage here; that his refusal to join in the guaranty had produced the same

effect where he is; & that his conduct relative to the negotiation & treaties with France had not advanced his views at home. Under these circumstances he has appeared disposed to act rather a loose part, with a view to gain ground somewhere. You will be sensible that his trip here has subjected me to the greatest possible embarrassment. It put me immediately into a dilemma with this govt, who would naturally be inclined to suspect me acquainted with and a party in his measures. Extreme care wod scarcely protect me against that imputation. And if I did not answer fully his expectations in point of attention, I shod have given him offense, which might have produced an ill effect on the other side of the channel, where it would have been attributed to a disposition to interfere in and check the changes that were taking place [there ?]; changes with which in my opinion we have nothing to do, since every nation has a right to [original mutilated] its own govt in what manner it pleases. I acted with the utmost discretion I was capable of, and flatter myself, that no serious mischief is likely to result from the movement. I imagine however that it has made a deep impression on this govt, the ill effect of which, it will require much prudence to confine to its author alone. In other circumstances I have no doubt that we shod have more cause to regret it. The unsettled power of the present ministry, the vast ascendancy of France on the continent, and the doubtful issue of the conflicts which menace the best interests of this country, may produce a degree of moderation which otherwise might

not be shewn. Had I been liable to personal irritation in such a case Mr Livingston's conduct to me was calculated to excite it. He came here without any intimation of it, till after he landed in the country. He withheld from me, the fact of his having any publick trust untill after he had communicated it to others, been here a fortnight or nearly that time, & then sanctioned the communication to this govt thro' others not thro' me. Such conduct was calculated to lessen me with every party. Whether it has produced that effect I know not. I confess however that he acted precisely the part after his arrival here, in regard to me, that I wished him to do; with this exception, that he ought not to have given me the impression, that he had no publick object in coming,[1] since by so doing he exposed me to compromitment with this government, which had nearly taken place. It is certain that I felt no personal irritation or other solicitude, than to acquit myself of all the duties which the situation required of me, a material part of which consisted in the attention which was due to him. I

[1] "For some considerable time after he came here, I was of opinion that he had no political object whatever in view. I continued to entertain that opinion until after my interview with Lord Harrowby, when some observations escaped him which led me to change it. He said that he wished to consult me on an interesting subject: that before he [Mr. Livingston] left France he had had conversations with Mr Tallyrand & Mr Marbois on the subject of peace: both had intimated that it might be made, tho' the proposition must come from England, as she had broken the peace of Amiens. That their government would receive a proposition, and, Britain relinquishing Malta, everything else would be made easy: that since his arrival here he had been consulted on that subject by several members of the opposition, to whom he had communicated the above, or something like it: that more latterly Mr Gray had called on him to inform him that Mr Fox was desirous of asking an interview with Mr Pitt to

fear under these circumstances that my absence from this country, especially for the present, might be injurious to us. I shall certainly not go while there is the least danger of such a consequence resulting from it. I am aware that the whole of this affair puts you in a situation of equal delicacy; but I have no doubt that you will manage it so as to prevent any ill effect resulting from it. It is perfectly well known by this govt that you had no concern in it: knew nothing of it: and therefore are not responsible for it. The people on the other side will be attentive to your reply, on acct of the moment that the movement took place & the changes to which it might have reference. That is a circumstance which makes much caution necessary on your part.

I do not know that I can mention our concerns again to this govt, without receiving some hint of invitation or encouragement from it so to do. The affair of Mr Merry has never been mentioned by it to me: nor have I ever had an opportunity of speaking to the Minister on it. Till very lately I had cause to

communicate what Mr Livingston had told him relative to the disposition of the French govt for peace, its terms &c. with a sincere desire on his part to promote that important object, provided he, Mr L., would give his sanction to the measure. Mr Livingston asked me what I would advise him to say? I replied that it was a delicate question for me to give an opinion on, that I had much reason to think that the ministry was jealous of his intercourse with the ministers of the opposition. He asked if Ld H. had told me so? I replied that he had not, but that I had it from other quarters too authentic to be doubted. He did not press an opinion from me, from which, and other circumstances, especially the late period at which he had communicated the above to me, I inferred that he did not care about it; had actually taken the step on which he had consulted me, & consulted me only as a mode of giving me the information."—Letter of June 10th.

believe that his conduct had been disapproved and himself ordered to comply with the rules established by our government. Of late I have heard thro' a channel that merits some attention that the contrary is the case, and that his communications to his govt produc'd at the time much irritation. The gentleman of whom I had this told me that the person who communicated it to him had read Mr M's letters, which were as I infer'd, shewn him by the Minister or under Secry of State. That person is an American, as I also infer, and now in America. It has been impossible to touch on this subject without asking an interview, & difficult to act in it in that mode without lessening ourselves, unless Mr M's recall was desired. In great measures our conduct has been of a nature so amicable, as I presume to leave no doubt, of the real disposition of our govt towards this nation. Still under some disappointment in another respect, and the irritations which come from the other side of the channel I have not been able to place myself on that kind of familiar footing especially of late, that I once had the prospect of, and had in some small degree effected. Indeed it is very difficult for a foreign minister ever to attain that situation with this govt, and preserve the independance of his character, and the neutrality of his nation. It seems to be expected that you shod join in considering as your friends and enemies all who are theirs. Most of those who are here are held precisely in one or other light, and generally are so marked for their devotion to this country, as not to be distinguishable from the people of it. Happily

our situation is not so dependant on any foreign power, as to make it necessary for the minister to lose sight of what he owes to his govt, his country and himself. Perfect neutrality it is his duty to observe with respect to other powers, because it is the condition of his country. Respect to the govt and an abstinence from all communications with a foreign power on its affrs, with those in opposition to it at home, is what they all have a right to expect, and with which I have not failed to comply. I have indeed gone much further—the whole of my conduct has been, on our own topicks, moderate & forbearing as you well know. I have not pressed them at a crisis of great importance to them on points of interests on which they had a right to expect a different conduct from me. It would be more just, as I am persuaded it wod be more wise, for them to acknowledge the liberality of that conduct, rather than indulge a contrary one under the impressions of trifling and frivolous causes. My letters to you by Mr Harris, and my letter to the President must have been some time since read, so that I may soon hope to receive advice whether Mr M. has accommodated his conduct to our rules, & in case he has not, instructions what part I am to take in reference to that, and the other more important concerns of our country. I am convinc'd that any further accommodation would lessen us at home & abroad. I have no doubt that whatever passes is known there to such as are in the interest of this country, or hope to profit by any collision between us and it, if indeed there are such among us.

I sho^d^ be very glad to know that you rec^d^ all my private letters. I have no knowledge of those which you have rec^d^.

In several of my letters to you I have taken the liberty to give it as my opinion that this government had expected our cooperation with it in the present war, and been disappointed by our accommodation with France which prevented it. I have also suggested in some of them, the grounds of these opinions, in part. It may not be improper to go more fully into that subject, at this time. The expectation of such a cooperation must have formed the part of a general system of measures, in the whole of which we might have been essentially interested. The policy is perhaps not abandoned, tho' the execution of it is suspended. It may be recurr'd to again on a favorable occasion. It therefore highly imports us to get all the information in our power respecting that system, that by distinctly seeing its objects, and more especially its relation to us, we may be enabled to judge how far the presentation of it by this government hereafter may be advantageous or injurious to our welfare.

Without saying anything on the merits of the present controversy, with which we have happily nothing to do, and respecting which it would be more than purile to give an opinion, I think it clear that this gov^t^ might have avoided it, if it had been so disposed, & without discredit. No war ever seemed to be undertaken more deliberately, more on calculation & as it were in cool blood, or to be more decided on before it commenc'd, than this was. In engaging in it, it

was not prompted solely by its prejudices, its resentments or the fear of dishonor. It had some stronger motive for it, one that was more intimately connected in its judgment with the prosperity & aggrandizement of the country. What was that motive? The growth of French power was doubtless the primary cause of the war. Strong as France had become on the continent, this govt seems to have entertained an idea that if she added to that power an extensive commerce and with it an extensive marine that she would soon become more than a match for G. Britain even on her own element. It was to check the growth of French power, & raise herself in opposition to France that G. Britain entered the war. But how was that to be done? Not by a continental war, the defeat of her armies & dismemberment of her territory. The fortune of the last war gave little ground for such a presumption, when the circumstances of that and the present war were duly considered. Her organization seemed now to be better adapted to military movements, her armies were better trained and appointed, and perhaps more powerful than they then were, while the situation of the other nation had changed for the worse. Besides it does not appear that any arrangement had been made with any of the great powers on the continent for the commencement of a war, whence it may be fairly inferred that no encouragement had been given by any of them of such an event. From these and other considerations it is even presumable, when the project of the war was first decided on in this cabinet, that it was no part of

the plan to draw the other powers into it, especially in the commencement. It must have foreseen the danger of such a war tending rather to the aggrandizement than the depression of France. From what I have been able to collect on this subject, I have been satisfied that the object of this government in renewing the war with France, was to attack her on the sea, block up her ports, ruin her commerce and marine, while it sought the aggrandizement of G. Britain in that element and by the extension of her commerce and marine. The project was comprehensive and bold. The dismemberment of her colonies from France, of her colonies and S^{o} America from Spain, was a part of it. Commanding at sea and controuling by means of it the general commerce of Europe with other countries, and in a great measure of the world itself, as might have been expected, the situation of G. Britain might thus have become equally imposing and prosperous. But how was this bold project to be carried into effect, was G. Britain equal to it single handed or alone? Her gov^{t} knew well that she was not, and therefore did not contemplate it, unaided. From Europe she could get no aid in the quarter where it became requisite. She could perform herself the service called for in these regions, and assist the operations elsewhere, but she could do no more. In our quarter of the world the principal service must have been rendered by another power, and none co^{d} render it so effectually, if at all, as the U States of America. I am therefore convinced that such was among the objects of the war on the

part of G. Britain, and that her gov[t] contemplated that we sho[d] cooperate in it precisely in this degree. It is impossible to account for the war or what has since occurred on any other principal. Is it presumable that G. Britain would have engaged in it, with so little reluctance, without some plan and reasonable prospect of improving her situation? Would she have sought to humiliate France on the continent without a single ally that could assist her there? Would she have engaged in a war in which she was to act on the defensive, & put in hazard her existence as a nation, without the hope of making conquests elsewhere, and producing such a change in the general situation of the world, as in the final result would be likely to recompense her for it, if she did not furnish the means to prosecute the war? How account for Holland's being comprehended in the war and Spain exempted from it notwithstanding the aid she is known to give France otherwise than by the circumstance of the plans being changed after the war had commenc'd, and a desire in consequence of it to contract the scale of hostility as much as possible?

But this doctrine does not rest altogether on speculative authority, or reasoning founded on facts that have since occurred. I was informed on my first arrival in France, before the war commenc'd, by a respectable American who had opportunities of getting correct information that a war would certainly take place, and that the above was the object, and, in certain views, the motive on the part of G. Britain. That information has derived much support from

what I have heard here since, not from one individual alone, but several, in a circle to whom if such a plan existed it must have been known. These latter have expressed themselves cautiously, as might be expected, nevertheless remarks have occasionally escaped them, of a character too strong and direct, to be applicable to any other object, or misunderstood. Indeed I think the general idea derives much strength from the hint given by Mr Addington to Mr King, of which you were informed by the latter soon after his return to America.

If the above view of the policy of this government is correct, and it has been diverted from it by particular circumstances, it is presumable that it will recur to it again as soon as a suitable occasion offers. The situation of the country in the great outline is the same as it then was. No change has taken place which should make it less restless, less anxious for the future, or less disposed to adopt novel and bold expedients to retrieve it from its embarrassments. It is equally presumable, while the same object is pursued, that the same means will be relied on. But the govt of the U States is believed to be adverse to that system; to have never contemplated it; to have sought relief only from injuries, or indemnity for wrongs, and to be perfectly satisfied with the adjustment which has been made in that respect; an adjustment which secures every right, consolidates every interest, and leaves almost nothing to be wished as to the interior concerns of our country. With our government therefore it is not likely that the admn of this country will

be able to succeed, in such a project, and it is to be hoped when fully convinced thereof, that it will abandon it. It is consistent with candour to presume that it will do so, or if it does pursue it, that it will be without reference to us. Should the contrary however be the case, it is not doubted, that the known attachment which our people have to the union, their sense of the superior blessings which they enjoy under it, and their virtue will prove an ample security against all attempts to seduce them, by intrigue or otherwise, from the duty which they owe to the best of governments. The emancipation of S? America and the Islands from the European powers, might offer an extensive field for jobs and plunder to individuals which could not fail to corrupt and debauch them, but nothing to the United States as a nation. It would be more likely, especially at the present period, in the infant state of their establishments and government, to prove most injurious to their best interests.

I should not have said so much on this subject but from a strong persuasion that this government expects more from us than is compatible with a strict neutrality in its wars with other powers. It views with jealousy our prosperity and rapid growth, which it may be disposed to retard, if it cannot in some degree controul and make subservient to its own views. The party which has governed this country since our revolution has never ceased to deplore the policy of those councils which produc'd that ever memorable & glorious event. Circumstances often occur which

shew that they think they have some claim to, some right over us, which has been suspended by force, not extinguished. It is admitted if we keep together, & prove ourselves superior to that ambitious rivalry, to the influences of those unworthy passions, which ruined the antient republicks, that we have nothing to dread from other powers. It is to the possibility of a disunion of the States that such as are unfriendly to us look for the completion of their wishes; it is to the danger of it, that the best friends of our country & of mankind turn their attention with the most anxious foreboding. But I trust that the bold, manly and philosophic spirit, which inspired our first founder with the great idea, and led him to the discovery of the new world, which prompted our ancestors to emigrate, and enabled them to subdue the forests and savages of the wilderness, and organize with incomparable wisdom their interior, and their descendants to atchieve their independance and with it the greatest revolution which the world ever knew, will not forsake us in the last, & comparatively, trivial danger which may possibly await us.

I have written you a very long letter; if it gives any hint that may be useful I have attained my object in it. If it does not you will I am satisfied give me credit for the motive. In all things of the kind you cannot be too secret, as everything is caught up & sent here by more than one spectator. Whatever I communicate will I know be sent back, if it transpires. Sincerely I am y^{r} friend & servant.

TO JAMES MADISON.

LONDON July 1, 1804.

DEAR SIR,— I have made it a rule to throw together occasionally what occurred to me of fact or remark relative to our affairs, and give it you in a private letter in aid of my publick one. Altho' this has been done without method yet I have hoped you would be able to extract from the melange something that might be useful.

About ten days since one of our vessels the Virg^a Cap^tn Dixon (I think it was) was seized by the revenue officers for putting on board a few sheep & pigs for the use of his passengers, without the permit of the gov^t & of course contrary to law. She was subject by it to forfeiture & so rigorous is the practice here in such cases that all the parties expected that result. They applied to Mr Erving & he to me on it. I stated the case to the gov^t & requested her discharge on the ignorance of the Cap^tn of the law, which I heard last night was granted, by information from the parties. The official communication is yet to be rec^d. The truth is that our commerce never enjoyed in any war, as much freedom, and indeed favor from this gov^t as it now does. The little bickerings produce no effect on the conduct of this gov^t in that respect. It shews the weight which our gov^t and country enjoy here. Such are not known to exist and I am persuaded this gov^t does not wish it known that such do exist. There is a great difference between obtaining a treaty which trenches on their antient usages & pretentions, or what they call their maritime

rights, and an accommodation precisely the same in effect, by their own orders to the admiralty. On the same principle or rather for the same reason, it is not easy to obtain of the gov^{t} an avowal that its conduct towards the neutral powers is more moderately just than heretofore. This is I think precisely the state of things at present. Whether any treaty will be obtained is uncertain. If any is, it is more than probable that it will apply only to seamen, tho' certainly I shall endeavour to make it as comprehensive as possible, in reference to the objects embraced by my instructions. I do not think that this gov^{t} is likely to change its attitude towards us for the present. I rather think when its passions subside, which have been excited by the trivial topicks known to you, that it may be practicable to get into communication with the Minister and put an end to those things at once. To hurry such a communication has appeared to me highly improper, since it was not likely to produce the desired effect. If the high tone which it was probable would have been assumed here, had been met with a correspondent one, (and it would not have been easy for me to assume any other) things would have been made worse : and if I had shewn any condescension they would have trampled me under foot. I have therefore remained silent, observing in my whole intercourse a distant but respectful attention to the government & those in power : whenever we meet it is on the ground of perfect independance & equality. I do not know that this gov^{t} is likely to change its tone towards us at any time. During the war it

seems to be difficult if not impossible for it to do so: and what may happen afterwards it is impossible to foresee. The probability is that we shall gain ground with both powers & Europe generally every day, in war & peace; that is provided all things go right at home.

I dined yesterday in company with eight or ten members of parliament, mostly of the Lords. It was observed that our commerce was much pillaged in the W. Indies by French privateers. I replied that in the trade to St Domingo, I believed it had been; but that there was no reason to think that the proceeding was sanctioned by the government: that I had heard that the privateers were fitted out from Spanish ports. They asked if that was not cause of complaint against Spain? I replied, if the charge was true, that I thought it was: that our gov^{t} would not be inattentive to its just rights or dignity; but that it took time to know the nature of the injury, by which it shewed its moderation, and was enabled to act with more effect. It is much to be wished that all that W. India brigandage was put an end to, and I think it quite possible to do it. Is all trade with St Domingo prohibited by France? I cannot suppose, if it was known to her gov^{t} that we will go into no treaty arrangement with a foreign power or the blacks, relative to the Island or its trade, that all commerce or barter with it, would be attempted to be prohibited. It seemed to be admitted by the whole company yesterday that the destiny of all those Islands is in our hands. The same sentiment is

probably entertained in some degree in France. I sho^d really think then that some agreement might be made with her gov^t to let us trade at certain ports, which if necessary might also be sanctioned here, tho' on that head I can say nothing not having conferred with the gov^t on it. If some of our frigates were made to coast it awhile thro' the Islands, tho' under secret orders to touch no vessel, yet it might perhaps impose an useful awe on the freebooters, that infest them and us. They might enter the Mississippi &c., as a pretext, or even any of the Islands of the several powers owning them. Such a mov'ment would be felt by Spain & observed by all.[1] I sho^d think that a very peremptory tone might be taken with Spain on that subject. Her Minister has I fear been injured by being too much caressed and favored. It is time he knew the difference between the present state of things & that which existed when he arrived there. The U States have taken an imposing attitude and they can very easily preserve it. He ought to be sensible that his tone is calculated to injure his country & ruin himself.

Ld St Helens asked me yesterday how Mr Merry was: I told him well I believed. He said he had not lately heard from him; but that he wished him well and hoped he succeeded. I replied in terms of civility. I perceived|by this that he knew nothing of the Etiquette story, tho' he is in the diplomacy of the country, & at present a Lord in waiting: I inferred from that circumstance that the government gave no eclat to the

Note in original[1]: "This hint is suggested with diffidence."

incident; I am the more inclined by it to think that the report which I heard first of his being instructed to conform is correct, as to suspect, if not acted on, that it is left in the present state, in the expectation it may be useful in a certain view to a certain description of persons where he is. If the latter is the case it would be a singular incident in the history of political manoeuv'ring. While the great outline of the govt is friendly to the U States, a little chimney corner bickering, is affected to be kept up, with intention to counteract the effect of the greater measures: carried on too in a manner as it were secret, and not avowed — for they have never spoken to me about it, or manifested a desire to withdraw the mission & terminate the relations between the govts — I rather think this govt can never act in that manner — that in leaving it unacted on, if such is the case, it has been owing to the vast pressure of other business, to a desire to get further information &c; perhaps to the expectation that I may finally speak to them about it, as I shall certainly do, when advised by you that the affr is still open, or invited by a favorable occasion. Permit me to remark that I think the incident ought to be lost sight of altogether in official communications to Congress, especially in the opening of the session, if not settled before, and if the present friendly deportment towards us is preserved, that in doing justice to the several powers with whom we have relation, a reference to this deportment by this power will not only shew how much the president's mind is above such a trifling occurrence but produce good effect in other

respects. The adjustment of the claims with both governments & payment, if such is the case, is a topick on which a conciliatory remark may also be made. If wound up amicably without my speaking to this govt, Mr Merry ought to know the fact and that I was never instructed so to do. Perhaps when Mr Thornton arrives it may be terminated, & that he may even assist in bringing it to a proper issue. Very sincerely I am dear Sir yours.

TO JOHN MERCER.

LONDON Augt 5. 1804.

DEAR SIR,— I received by Mr Cabell your favor of June 17., not so soon as you might have expected I shod, as he took the tour of Holland in the way. It gives me great satisfaction to find that all your measures have been taken with so much deliberation and caution. From the perfect confidence I have in the integrity & ability of the board, I never doubted that that wod be the case, nor shod I hesitate, had I anything to say respecting your proceedings, shod you after fair & dispassionate comparison of our ideas on the subject adhere to your opinion in opposition to mine, to give you all the support in my power, in the exercise of your own, against mine. It would be a mockery of justice to create a board which was not independant in the discharge of the powers committed to it. I have not time at present to notice all the parts of yr interesting letter, nor is it perhaps material that I should. The instrument might most certainly

have been made more clear and distinct for the attainment of the objects contemplated by it; but still I cannot but think that the construction which I gave in my letter to you is the true one, on the first point, and also on the second with some of the exceptions which you very justly state to it as a general rule. You will observe that the term "debts" used in the 2d art: of the convention, to provide for which it was made, is adopted in reference to the convention of 1800; it is introduced in the preamble, & the 1st art: of this convention in the same sense. The 1st art: excludes debts contracted since the convention of 1800, & secures the principal & interest of those anterior to it: the 2d says that only 20. millions shall be appropriated to the object: the 3d secures the U States against the payment of the 20. millions, till the surrender of the territory &c. The 4th & 5th arts specify the claims to be provided for and the persons who are not to be considered as American citizens, & of course not entitled to recover. I am persuaded on the note there are claims, some of which may be excluded on every just principle, tho' the 4th & 5th arts did not exist. It is fair to suppose in adopting or referring to a statement or note, that it is done for some clear & distinct object, one which will stand in connection with & serve to explain the other parts of the instrument. If the note was referr'd to, to give a preference to the claims, it was easy to say so, and then indeed there wod have been little use in the 4th & 5th arts. But by giving the 2d art: the import which I mention, there seems to be no irreconcilable

contradiction between it and the others. It may be asked why was any reference made to the note unless to give a preference to the claims specified on it. It is possible that might have been the object in the first case. If it was, it was I think defeated by subsequent modifications of the instrument, all of which simplified it, but yet from hurry and other causes, left it in the present state. You well know that the two other instruments, which made the cession of Louisiana, & secured the payment to France of the sum which she had more especially in view, engaged my principal attention: that the affr of our debts, tho' an indispensible object, and which in its turn, after the others were secured had an equal portion of attention, was one which consisting of details with which I had little acquaintance; that I really wished to refer to no note, to enter into no specifications or exceptions, to rest simply on the ground of the convention of 1800 & appoint a board to carry that one into effect, according to their judgment of its import; that this latter instrument was a subject of much discussion between my then colleague and myself, and that the present form was the effect of mutual accommodation. I do not however recollect (a remark which I make in justice to him) that he wished to give any preference to the claims on the note: I think I very well recollect that we both agreed to the endorsement on it that no preference was intended to be given to the claims specified in it. If no debts can be paid which are precluded by the 4th & 5th arts, and if all ought to be paid which are admitted by it, what reason is there

for giving a preference to any on the note. You will observe that I always suppose the term "debts" is referred to in an anterior light wher'ever it is mentioned in this convention. If that idea is correct the difficulty is at an end; it seems to me that it may be fairly concluded, that the conjectural note may be considered as referred to, merely to fix the idea of the amount.

On the second point I admit that the opinion I gave that the debts provided for by the convention of 1800, is also secured by this, is a general rule subject to exceptions. Most certainly the exceptions which the latter instrument makes ought to be regarded. To what extent they go I am not prepared to say, nor is it material that I sho^{d}. Indeed I do not know the grounds of difference between the Minister & you in this respect.

I well know the difficulty that must have attended y^{r} situation. To distribute the 20. millions between the claimants, who had opposite interests, was a painful task. It was to be feared, if any failed to be provided for, that they wo^{d} not only attribute improper motives to your conduct, but endeavor by making the French gov^{t} a party in the affair, to excite trouble & promote disturbance. It required harmony between the board & Minister, & his powerful support of y^{r} decisions, to bring the affair to a happy conclusion.

I communicated to you what I had heard from many quarters that you might be on your guard; correct what was wrong, if by want of due consideration you had erred in any case; and be able to support

your conduct in every case where it was impregnable, by those precautions which an honest for'sight might suggest.

In the part which I have been called to act with the individual to whom you refer, you well know that I have had much cause of personal irritation—that altho' my feelings, by being often goaded, and by advancing age, are less acute than they used to be, yet the irritation has been often too great for me not to feel it. You also well know that I soon made up my mind as to the part I ought to act with respect to those circumstances and even the individual himself. In examining the case, I put him entirely out of the question. I knew in what consisted the interest of my country, and that it was my duty to promote it. I felt that I sho^{d} have been an unworthy organ of our virtuous gov^{t}, in the concerns entrusted to me, if I did not most calmly and zealously exert my best endeavours, to accomplish its objects, whatever might be the difficulties in the way, & from whatever source arising. I was convinced that the board which we instituted, & commissioners we appointed would be animated with the same motives, & guided by at least equal prudence. It is just to remark that altho they are the persons who were most acceptable to me, yet they were all more especially the choice of Mr Livingston, since he proposed them to me. I proposed no one. They were, I presume pointed out to him, by the same pretentions that made them acceptable to me, a firm conviction that they were honest, able, and disinterested citizens and would remain so.

The principle which you adopt in beginning with claims by date, supposing that there will not be a sufficient sum to pay the whole, has much reason in its favor. But would it not be better to pay to every just claim the principal first, & then as much of the interest as there remains of the 20. millions in hand? If the French govt is to pay the difference, or our govt, it is indifferent to either in what mode, or rather to what acct—that our govt will not I take for granted —& it seems more reasonable & just that what is gained shod be equally distributed. This I well know cannot be done without an agreement between the board & Minister, & in some mode the assent of the French govt—I only suggest the idea, without knowing that I would adopt it, was I in yr place, or that the state of things will permit it.

I have only to express my most earnest wish that the business may be concluded in peace, to the satisfaction of both govts and all the parties concerned, & interested; I am satisfied that such a conclusion will redound much to the credit of our govt & the confirmation of republican principles at home. I beg my best regards to your colleagues & that you will believe me sincerely your friend & servt —

TO THE SECRETARY OF STATE.[1]

LONDON, August 7th 1804.

SIR,— I received a note from Lord Harrowby on the 3rd instant requesting me to call at his office the next day, which I did. His Lordship asked me in

[1] From Letter-book, Library of Congress.

what light was our treaty viewed by our government. I replied that it has been ratified with the exception of the 5th art:, as I had informed him on a former occasion. He observed that he meant the treaty of 1794, which by one of its stipulations was to expire two years after the signature of preliminary articles for concluding the then existing war between Great Britain & France. He wished to know whether we considered the treaty as actually expired. I said, that I did presume there could be but one opinion on that point in respect to the commercial part of the treaty, which was that it had expired: that the first 10 arts were made permanent, that other articles had been executed, but that these being limited to a definite period which had passed, must be considered as expiring with it. He said it seemed to him doubtful whether the stipulation of the treaty had been satisfied by what had occurred since the peace: that a fair construction of it might possibly require an interval of two years peace after the war, which had not taken place in point of form, much less so in fact, for the state of things which existed between the countries thro' that period was far from being a peaceful one. I informed his Lordship that the distinction had never occurred to us, tho' it certainly would receive from our government all the consideration which it merited, especially if it was relied on on his part. After some further conversation, he seemed to admit that the construction he had suggested, of the stipulation referred to, was rather a forced one, that by the more obvious import of the Art: the commercial part of the treaty

st be considered as having expired. What then, says he, is the subsisting relation between the two countries? Are we in the state we were at the close American war? By what rule is our intercourse be governed respecting tonnage, impost and the e? I said that the law in each country as I pre- ned, regulated these points. He replied that the bject was nevertheless under some embarrassment He asked how far it would be agreeable to our overnment to stipulate that the treaty of 1794 should remain in force, untill two years should expire, after the conclusion of the present war? I told his Lordship that I had no power to agree to such a proposal: that the President, animated by a sincere desire, to cherish and perpetuate the friendly relations subsisting between the two countries, had been disposed to postpone the regulation of their general commercial system, till the period should arrive, when each party enjoying the blessings of peace, might find itself at liberty, to pay the subject the attention it merited: that he wished those regulations to be founded in the permanent interests, justly and liberally viewed, of both countries; that he sought for the present only to remove certain topicks which produced irritation in the intercourse, such as the impressment of seamen, and in commerce with other powers parties to the present war, according to a project which I had had the honor to present his predecessor some months since, with which I presumed his Lordship was acquainted. He seemed desirous to decline any conversation on this latter subject, tho' it was clearly to

be inferred from what he said to be his opinion, that the policy which our government seemed disposed to pursue, in respect to the general system, could not otherwise than be agreeable to his. He then added that his government might probably for the present adopt the treaty of 1794, as the rule in its own concerns, and in respect to duties on importations from our country, and as I understood him, all other subjects to which it extended; in which case he said, if the treaty had expired, the ministry would take the responsibility on itself, as there would be no law to sanction the measure: that, in so doing, he presumed that the measure would be well received by our government, and a similar practice in what concerned G. Britain reciprocated. I observed that on that particular topick I had no authority to say anything specially, the proposal being altogether new and unexpected; that I should communicate it to you, and that I doubted not that it would be considered by the President with the attention it merited. Not wishing however to authorize an inference that that treaty should ever form the basis of a future one between the two countries. I repeated some remarks which I had made to Lord Hawksbury in the interview which we had just before he left our department of foreign affairs, by observing that in forming a new treaty we must begin *de novo;* that America was a young and thriving country; that at the time that treaty was formed she had little experience of her relations with foreign powers; that ten years had since elapsed, a great portion of the term, within which, she had held

the rank of a separate and independant nation, and exercised the powers belonging to it; that our interests were better understood on both sides at this time than they were; that the treaty was known to contain things that neither liked; and I spake with confidence on that point on our part: that in making a new treaty we might engraft from that, into it, what suited us, omit what we disliked, and add what the experience of our respective interests might suggest to be proper. And being equally anxious to preclude the reference of any sanction to the maritime pretentions of Great Britain under that treaty, in respect to neutral commerce, I deemed it proper to advert again to the project, which I had presented some time since, for the regulation of those points, to notice its contents, and to express an earnest wish that his Lordship might find leisure and be disposed to act on it. He excused himself again from entering into this subject, from the weight and urgency of other business, the difficulty of the subject, & other general remarks of the kind. I told him that the most urgent part of the subject was that which respected our seamen: that our government wished to adopt a remedy that would be commensurate with the evils complained of by both countries. His government complained that deserters from their ships in America were not restored to them; Ours that seamen were impressed in their ports (those of G. Britain) and on the high seas, in our vessels, and sometimes in our bays and rivers; that such injuries ought to be put an end to, and that we were willing to adopt a fair and efficacious remedy for

the purpose. He said he was afraid, however well disposed our government might be to give the aid of the civil authority, to restore deserters to their vessels in the United States, that little advantage could be derived from such a stipulation. The bias and spirit of the people would be against it, with us, as it was here, under favor of which deserters would always find means to elude the most active search of the most vigilant peace officers. I replied that I did not think the difficulty would be found so great as he supposed; that our people were very obedient to the law in all cases; that as soon as the apprehension and restoration of deserting seamen to their vessels was made a law, as it would be, by becoming the stipulation of the treaty, the publick feeling on that point would change, especially when it was considered as the price of a stipulation which secured from impressment their fellow-citizens, who might be at sea or in a foreign country; that sailors never retired far into the interior, or remained where they went long, but soon returned to the sea port towns, to embark again in the sea-service; that it was not likely they would be able to elude the search of the Magistracy, supported as it would be, by the government itself. I found on the whole that his Lordship did not wish to encourage the expectation that we should agree in any arrangement on this head, tho' he was equally cautious not to preclude it. I left him without asking another interview and the affair of course open to further communication.

Mr Pinkney has fortunately obtained an adjustment of the interest of Maryland in some stock in the bank of

gland, by a transfer to him as agent of the State, of the amount, by the Crown. The government itself appeared well disposed to the object, but it and the Court of Chancery were so beset by a number of persons having claims on the State, after the interest vested in the Crown that it was very difficult to bring it to a happy conclusion. To quiet the claimants and enable the government to act in it with satisfaction to itself, required a spirit of accommodation, perseverance and ability in the management of the trust, without which it could not have been effected. The terms on which the affair is concluded appear to me to be as advantageous to the State as it was possible to obtain. To approve them, was the only duty left for me to perform, as the able and laborious attention which Mr. Pinkney paid to the subject, rendered it altogether unnecessary for me to take any other part in it. After the expiration of Mr Pinkney's office as Commissioner under the treaty of 1794, with Great Britain, he ceased to have a right to draw his salary in that character. As however his continuance here under the authority of the President on the other duty has indispensibly exposed him to at least equal expence, I thought it proper to request our bankers to advance him £500 on that head, to be accounted for with you. This sum is rather more than his compensation as a commissioner would have been for an equal term, but as it was necessary to enable him to pursue the object, and facilitate his return home, I flatter myself the President will approve the measure. The advance being made on my

responsibility under the circumstances of the case, can of course have no influence on the rate of compensation to be allowed him for the service, or in designating the party which ought to make it.

Mr Lear having obtained a commutation of the tribute which was to have been paid to the government of Algiers in naval stores, into money, and drawn for the amount on our Consul at Leghorn, who forwarded bills for the same on our government to the house of Mackenzie & Glennie here for sale, and it appearing that they could not be negotiated without considerable loss, I concurred with Mr Erving in opinion that he had better save the publick from so great an injury, by taking them up with some publick monies, which he had in his hands. He has done so as he most probably has already informed you. The money which the Commissrs under the British treaty, directed by form to be returned to me, was paid by my order into the hands of our bankers, by the clerk who brought the order of the commissioners to me.

I propose in a week or ten days to ask another interview of Lord Harrowby on the topicks depending between our two governments. By what has passed you will infer that I have but little hope of bringing them to a conclusion at present. The practice of this government is however, on the whole, very favorable to us. Our commerce enjoys a protection which is a proof of the encreasing respectability of our government & country. None of our vessels that I know of have been condemned; but few are brought in under any pretext; and in one case compensation has been

made for the detention. I hope to be able after the proposed interview with Lord Harrowby to fix the time when I shall set out for Spain. I am with great respect and esteem Your very obedient servant.

TO JAMES MADISON.

LONDON August 10. 1804.

DEAR SIR,—My publick letter, which with this is committed to Mr Pinkney, gives you the substance of the last communication which has passed between Ld Harrowby & myself respecting the questions depending with this gov^t^ on our part. Whenever this gov^t^ finds that our's is established in its present system, that the great mass of the people are with it, and that the party on which it has relied as devoted to it, is completely sunk, that the prospect of disunion has vanished, I think its tone towards us will become more conciliatory than it has ever been. It has been accustomed to view us as a divided people, the greater and more respectable portion of whom in their interest, the other part belonging to France, and it is slow to correct this error. It probably forsees that in admitting it, it gives up the party from whose reestablishment it hopes something: it gives its sanction to the prosperous & so called happy career of our present adm^n^ in opposition to the measures of its opponents; it admits the virtue, wisdom, & efficiency of republican gov^t^, in foreign as well as domestic concerns, which it is not well disposed to do; it admits that we cultivate their friendship & merit it, at a time when they most

need that attention from us. These are reasons why the progress to a correct view of things in what regards us here is slow. To confer with persons on whom they have counted, and of whose devotion they have probably made a false estimate, is a pleasant thing; to confer with those, whom when they meet, they meet on equal & independant ground, whether it be in America or here; who make no professions to them, in favor of their own views, and who never permit a conversation respecting the views of others. Who speak of the concerns of the nations only, and on the points in which they bear relation to each other, who disclaim the right of either to meddle with the interior of the other; who give the example of such a correct and upright policy by their own conduct & expect it in return, is not quite so pleasant a thing. It is however I presume the actual state of affairs. It sees I think very distinctly that it is greatly against its interest to quarrel with us; that the nation would disapprove such a quarrel if we were not clearly in the wrong. Thus the attitude of this govt towards us is more of the negative than of the positive kind, in some of the traits of its conduct. It is positively peaceable without being perfectly so at heart. It gives us no cause of offence in our commercial concerns in this quarter; no hold for popular discontent to lay hold of, while I am inclined to think that with you the appearance of discontent is kept up on the part of this govt, to feed a like sentiment in its supposed friends, in the hope of profiting by it. I am persuaded that our course is a plain one which is to go on as we have

done to cherish peace by fair and honorable means, and never to make a case to be avoided which will bring us into collision on a point of honor like duelists. It seems to me clear that nothing will redound so much to the honor of the present admn, or strengthen it so much at home, as the preservation of peace with this power thro' the present war, on fair and respectable terms. It will likewise add much to its credit abroad, which is already high by the adjustment of the business with France, and the tranquility of our interior. Every year of peace which we enjoy gives new strength to our govt, & country, & contributes to confirm the opinion of Europe, in favor of our being an independant nation guided by an enlightened policy. Every popular cause of clamour which the govt deprives the opposition of, strengthens it, & undermines the opposition, by which I mean confirms free govt. I will illustrate my idea by a case. The name of Genl Washington has been used for party purposes. His death removed him from the scene & gave his memory a claim even from his opponents to that notice which his virtues & services entitled him to, especially in the course of our revolution. That sentiment was wisely respected by the republicans on his demise. Much folly was afterwards displayed by others, in attempts to raise monuments in his favor which neither the circumstances of our country, the modesty or wisdom of our people wod justify or sanction. May not however the true course be now struck & executed by the republicans? How would it answer after the next election is decided for them to bring forward a motion

to erect the equestrian statue voted at the end of the war? I think that the more liberal acts we do which are founded in justice, the less air of party we give to the course of the govt, and the more we tranquilize the publick mind the better the effect will be on all our interests at home and abroad.

In seeking to carry our points depending here, I have put our admn, into no dilemma in case of failure; in all my conversations I have used the language stated in my publick letter. Never one sentiment of an opposite kind has escaped me in publick or private intercourse. Merchants of distinction here have admitted that they have been agreeably disappointed in Mr Jefferson's admn.

Mr Pinkney will take charge of this. I think he will succeed, or rather has, for there was one or two slight points to be adjusted when I last saw him the other day, in the business of the Maryland stock. Without taking any part in the details, I have given him all the aid in my power in the great object as I presume he will acknowledge, & in the statement which I have given you of it, have spoken of his agency in terms of respect, as I think it deserves. He wants my sanction to the difficulties to justify some slight sacrifice which he made, beyond what the State authorised, which I readily gave. Perhaps you had better not send a copy of the extract of my letter to the govr but in case any document from you is necessary, write on the authority of it what you think proper. [Press copy illegible.] It will produce a better effect with him. He is a man of respectable talents,

in principle a republican, and has been of great influence in the decisions of the late board. I think the result is due to him in a much greater degree than any other person. He is conscious of this and of the claim it gives him on the community. If an outfit could be allowed them to proceed from the President or some member in favor of Republican principles, it wo^{d} produce an excellent effect, not in the members alone, but most probably the community, since it is certainly merited; and it is by such acts of justice & liberality, that the spirit of party is to be suppressed. Mr P. has some peculiarities about him, sensible to his own pretentions, he will feel anything he wo^{d} deem a slight from anyone. He has acquired much of the etiquette of this place which he will probably soon get rid of in getting home. In the management of the business at the board, and in his deportment here generally, he has shewn no little portion of discretion or address. He preserved the ascendency there, and the respect of the people in power here, to whom he was known, while it was understood that he professed republican principles. I doubt not that he has at no time held conversation relative to those principles, or inculcated any which might be offensive to this gov^{t}. I presume he has at all times been silent on those topicks in the company of Englishmen, or others of opposite principles. It is just to remark that this is not the [Press copy mutilated] for an American to attempt to propagate such principles & that perhaps had he had less prudence he might have had less success in the business intrusted to him. What sacrifice he would

make in support of republican principles I cannot pretend to say, nor am I sufficiently acquainted with him to judge. I have occasionally found him useful in his communications with me here. I have avoided seeking to compromit him, and therefore never led the conversation to topicks of a delicate nature. He owes obligations to Mr [Press copy mutilated] & it is not improbable may defend him, tho' I have no particular reason for thinking so. I have thought these hints might be useful to you. Sincerely I am yr friend & servant.

TO THE SECRETARY OF STATE.

LONDON Sepr 8th 1804.

SIR,—I obtained an interview with Lord Harrowby on the first instant, which I had asked to ascertain the sentiments and disposition of his government on the subjects which I had long before submitted to it. The conference was free and full on every point, in which I urged everything, which I could draw from the lights in my possession, to induce his government to adopt the convention which I had proposed, in the spirit of my instructions, for the suppression of impressments, &c., and to ratify that respecting our boundaries, with the exception of the 5th article, as the President had done. His Lordship heard me with attention and apparent candor; he stated difficulties & recd explanations, & finally promised to submit the subject to the Cabinet and give me as early an answer as he could. In examining that part of the project which respects impressments, he expressed

some regret that the affair had been taken up with such earnestness in the Congress. I told him that business there was conducted differently from what it was here: that here the ministry in both houses proposed and carried publick measures: but that with us the members of the administration were excluded from the legislature: that the branches were completely separate and distinct from each other: that altho' they were a check, each on the other, yet that neither was responsible for the acts of the other: that the passage of a bill by both houses, was no evidence of the sense of the Executive on the subject of it, till it had its sanction: that in the present case, the motions which had been made in Congress, were only to be considered as a proof of the great sensibility of the nation to the object of them; that the practice of impressing our men, which had been carried to great excess was a cause of continual and high irritation throughout the union: that it was very much to be wished that that cause could be removed by satisfactory arrangement between the governments, which was deemed practicable and which our government with great earnestness & sincerity sought, as was shewn by the propositions which I had made by its order: that the President certainly preferr'd a security of our rights by such an arrangement, as the Congress likewise did, as was seen by the failure of the motions alluded to, tho' made by members of great respectability and strongly supported by the publick feeling. He said much as to the extent of the propositions being of a nature quite hostile; of the time

at which they were made, being anterior to any proposal to negotiate tho' in this idea he seemed to correct himself, as he was aware that Mr King had endeavoured to arrange the affair before his departure, and that I had expressed a similar desire soon after my arrival here. He spake much of the difficulty attending any arrangement from the similitude of the people; of the great number of their seamen which it was known in our service. I replied that the arrangement was not proposed to be permanent, but for a short time, & experimental: that it looked to the evils complained of on his side as well as ours & sought to remedy them: that it was believed the remedy it proposed would be effectual; but if the experiment should throw any light on the subject so as to enable our governments hereafter to arrange it better much would be done. He declined giving any opinion on the articles in the project which respected this interest, tho' I inferred by his stating no objection to them that he did not deem them unreasonable. In speaking of those articles which defined in certain cases neutral rights, he observed that they only touched the subject in part: that if our gov^t^ adopted the proposition which he had made lately, of considering the treaty of 1794 in force until two years after the expiration of the present war, the whole subject would be provided for. I replied that in touching the subject in the points to which the articles extended, and in those only, our gov^t^ sought to put out of the way for the present, and during the war, all temporary and transient causes of irritation, which might

tend to the injury, or to disturb the harmony of the two nations: that in seeking a postponement of a general arrangement of our commerce till peace, it was supposed that his gov[t] would be accommodated by it; which consideration had had much weight with the President, since as he wished all future arrangements of that kind to be founded in the neutral and permanent interests of both countries, so he was satisfied that those interests could at no time be so well examined or understood, as when both parties being happy in the enjoyment of peace, might have leisure to pay them the attention that they merited: that the articles proposed did not stipulate anything which his government had not sanctioned by its treaties with other powers, as well as by its present practice. He observed however that they omitted other objects which were included in those treaties, & which his government deemed very important to its welfare; that these points had been paid for by the powers to whom the concession had been made by stipulations which secured the interests which the project I had presented, had omitted. In this remark he alluded more especially to the doctrine of the "ships giving protection to the goods" which he called modern & theoretical, and to Russia as furnishing an example of the kind he stated. I told him that our government was not disposed to give his trouble on that point, tho' it could have no motive to enter into any stipulation respecting it: that its whole conduct during the war had been friendly and conciliatory; that he had not heard of any measure taken with the

neutral powers, which ought to excite a jealousy of our views, or create a suspicion that the President was disposed to embarrass them in such cases: on the contrary that I could assure him, if the objects to which the articles in the project extended were secured, that none others would be thought of. We then proceeded to examine the convention respecting the boundaries in the light in which the ratification by the President presented it. On that subject also I omitted nothing which the documents in my possession enabled me to say; in aid of which I thought it advisable, a few days afterwards, to send to his Lordship a note explanatory of the motives which induced the President and Senate to decline ratifying the 5th article. As the affair had become by that circumstance in some degree a delicate one, and as it was in its nature intricate, I thought it improper to let the explanation which I had given rest on the memory of a single individual. By committing it to paper it might be better understood by Lord Harrowby & by the cabinet to whom he will doubtless submit it. As I send you a copy of that paper it is useless to detail the substance of what passed between us on the subject of it. I sent him at the same time an abstract of the impressments, which Mr Erving had furnished me, which had taken place since my communication to Lord Hawkesbury. As Mr Erving gives you regular and correct information on that head, I do not annex it to this communication.

Before I left Lord Harrowby I informed him, that independent of the interesting nature of the subject of

our conference, on which I sho^d be happy to be enabled to communicate something that would be satisfactory to our government, I had another motive for wishing an early answer from his respecting it: that I had lately rec^d instructions from you to repair to Madrid in the character of Envoy Extry., to join Mr Pinkney in the adjustment of some points which grew out of the cession of Louisiana by France to the U. States. He asked me if these did not respect our boundaries, to which I replied in the affirmative. We had some conversation on that point in which I communicated a general idea of the ground on which our gov^t had concluded that W. Florida was comprized in the cession. He seemed to have entertained a different one, but to hear with attention and candour the statement which I gave of the question. I told him that my absence would be short; that I should leave Mr Purviance the Secretary of the legation in the charge of our aff^rs in my absence, with which he seemed to be well satisfied, and assured me that an accommodation with the views of the President in the proposed mission, would be a motive for giving me an early answer to the subjects depending here, by which however I understood only that he would endeavour, as much as he could, to prevent their proving a cause of my detention. I thought it proper at that time to communicate the fact of my mission to Spain, and of my desire to set out soon in discharge of it, that he & his government might clearly see that it was a measure order'd by the President & had relation to the concerns of the U States only. I told him

that the President had taken this measure from motives of friendship for Spain, with whom the U States were desirous and expected to preserve that relation forever. I made this remark to preclude the possibility of any improper use being made of what had been said, on the presumption (which might inspire a disposition to make use of it) that a disagreement between the U States and Spain, much less a rupture, could result from the negotiation, whereby a hope might be fostered by this government that we should become a party to the present war on its side. If circumstances permitted, it would be agreeable to me, as in that case I sho[d] presume on the approbation of the President, to intimate the willingness of our gov[t] to receive, in the proposed negotiation, the good offices of friendly powers. Such intimation would make it less likely to view with jealousy the aid we may receive, should that be the case, from France. In making the suggestion, I should observe that I did it, from the knowledge I had of the pleasure with which the President would avail himself of opportunities to render good offices to the powers with whom the U States were in amity. If our business here is closed satisfactorily, I should think myself at liberty to give such an intimation.

While we were conferring on these subjects generally Lord Harrowby noticed the conduct of Capt[n] Bradley of the Cambrian, which he said his gov[t] had disapproved & censured, by his removal from the command, and ordering him home to account

for it.[1] He said that as this step had been taken before any complaint had been rec^d^ from our gov^t^, it could not be viewed otherwise than as a strong proof of the desire of his Majesty to cultivate the friendship of the U States, to which I readily assented.

Of the prospect of success in the points depending here it is impossible for me to give any satisfactory opinion. The business has however now reached a stage to promise an early conclusion. Still it is of too much importance for me to precipitate it. I shall wait some days longer in patience before I call for an answer, as I deem it important, be the event what it may, to conclude the negotiation so far as respects my deportment, in a manner equally respectful to the government as that in which it commenc'd.

You will receive within a copy of the project as I presented it to Lord Hawkesbury. You will find that I have omitted in it, the 4th 5th 9th 10. 11. & 12th articles of that which you sent me. I omitted the 4th because it brought into view the question of contraband and exposed us to the revival of the claim of this gov^t^ respecting provisions which I saw by what had taken place with Sweden was likely to be insisted on; the 5th because the present practice of the court conforms with it; the 9th 10th 11th & 12th because being intended as accommodation to them, it would be in time to introduce them when asked for, when it would be more seasonable to seek some equivalent in

[1] For taking a British seaman out of a British vessel within American jurisdiction, Captain Bradley's frigate *Cambrian*, then cruising off Sandy Hook.

return ; tho' indeed it is not likely that they care much about them especially at this moment. I was the more confirmed in the idea of omitting the 4th article from a knowledge that the abandonment by treaty of the principle that free ships make free goods, would produce an evil effect with France. I had this information from authority the most direct, that is, that she would be likely to consider it, being in war, an unfriendly act. By presenting it in the form it bears, to which I was prompted by information recently obtained and which could not have reached you, I hoped to secure the great objects which you had in view without hasarding any inconvenience whatever. It was also material to know that no case had then occurr'd (nor indeed has there since) in which the admiralty have denied the right to our citizens to acquire the merchandize the growth of an enemy's country, and transport it as their own. There was of course no motive for securing it especially at any expence.

I am with great respect & esteem y^r^ most ob^t^ & very humble servant.

P. S. I find that there is a case of the kind adverted to above now depending before the admiralty. The vessel the Missouri, touched here on its way from Batavia, as is supposed, to Holland. I think it best to take this up on its own merits, unconnected with the principle above adverted to, for the reasons above mentioned which I trust will be approved by the President.

TO ARCHIBALD STUART.[1]

LONDON, Sepr. 22. 1804

MY DEAR SIR,—About the time that yours of April 15th reached me you will have rec'd one from me, which anticipated your object respecting a watch or any other object which you might desire me to procure for you here. I ordered one immediately on the rec't of yours, of a Mr Baldwin who is considered one of the best workmen here, which he has just finished and is now forwarded to you by M^r. Sargent of Petersburg. He promises to take good care of & to deliver her to you. The artist made her for me, on the supposition that being on the ground he would be careful she was well done. She is a plain watch, double cas'd & he says as good as he can make her. She cost 25 guineas which is thought cheap. Be so good as to inform me how she answers the expectation entertained of her. That sum you will be pleased to pay to Major Lewis who acts for me in Albemarle. Our affairs here stand on a good footing. Our commerce is less interrupted than it used to be, & this government & country seem satisfied that it is the wish of ours to preserve peace and friendship with them. The conduct which I have pursued here, by order of our government, has been perfectly conciliatory, and I have observed it with pleasure, in the hope, that the effect would not only prove beneficial at present, but tend to dissipate forever prejudices which past occurrences created & fostered. If our present Adm^n was unfriendly to

[1] From the original owned by the Virginia Historical Society.

this Country, there never was a time when it had it so much in its power to indulge that propensity. Its conduct however has been of a very different character. I am persuaded that it is seen by Europe & generally admitted, that its acts, in reference to the parties to the war, are fair & impartial, and that in all other relations with the powers of Europe we are entitled to consideration & respect by the general integrity of our conduct & by the attention & respect which is shewn to each of them by our government. It is a circumstance of peculiar good fortune that not solely for themselves or even perhaps their country but of mankind that those now in power in the U States have been called there at the present epoch. It is important while we are young & virtuous & capable of judging (I speak of the whole American people) that an appeal should be made to their good sense, of the efficiency of republican government, by an experiment under an Adm^n^ which is devoted to it so far that experiment has verified the expectation of the most sanguine, & that it will continue to do so I have no doubt. It promises to be the most successful because at the same time that it gives the greatest effects to our own principles at home, it avoids all interference with the interior of foreign parts, with whom indeed we never stood on better grounds. I hope that the course of our affairs will tend to put an end to hasty divisions among us. Nine tenths, perhaps 99 of 100 on each side have meant the same thing, the good of our country. Some have thought that the end was attainable in one mode

—some in another. They were . . . [one word undecipherable], their passions were excited & reason ceased to rule. Let us profit of what has passed, adhere to principles which ought to be equally dear to all, since the happiness of all depends on their preservation. But I shall tire you with remarks that are too familiar to you to be inserted here.

On the State of European affairs I can say nothing. The papers give you in general a correct view, and the dread of anything from me, and indeed the impolicy of it, getting into the gazettes or becoming publick however reasonless, restrains me from saying much to my friends that I otherwise should do. It gives me great pleasure to hear from my friends tho' but few of you write me. Present our best regards to your lady & believe me very sincerely your friend & serv't.

Be so good as to forward the enclosed to John Monroe by a sure conveyance. I have never heard from him since I came from Richmond.

TO THOMAS JEFFERSON.

LONDON Sep[r] 25. 1804.

DEAR SIR,—My letters to M[r] Madison are so full on what concerns us, as to leave me little to add to you. I never experienc'd more difficulty in any case, than in deciding whether to hasten the negotiation with this gov[t] to a conclusion, & set out immediately in pursuit of the other object, or to let it take its natural course and consume a couple of months more,

and pursue that object afterwards. The considerations which create the embarrassment are adverted to in my private letter to Mr Madison. My judgment inclines rather in favor of the delay as well in respect to what is due to this power, as on the idea that little will be done in France, which pressing emergencies do not impose, till after the 9th of Novr. Still if I can get off in a few days, which depends altogether on this govt ; I shall not fail to do so. If I could foresee the probability of any change in affrs likely to prove injurious to us, in the interim, I shod be decided to proceed. But there does not appear to be any likelihood of such a change. Nor am I aware that any change could take place which would put us on a disadvantageous footing in the negotiation with Spain. I think she is much more interested than we in pressing an amicable arrangement of boundaries. The territory we now hold, puts her possessions pretty much at our mercy thro the whole extent of the southern continent. She knows this and is alarmed at it. Her apprehensions are seen by everything we hear from Madrid, tho the effect is not precisely what might be expected from it. It is said, as I hear, by Mr Frere, that Mr Pinckney has left Madrid without taking leave. The cause of this I know not, since it is long since I heard from him. To obtain a favorable result, I am not sorry that the incident has occurred, because I think the more a crisis is created the better the effect will be. This govt can never unite with Spain against us, that is, such an event is among those which are so improbable, that it

ought scarcely to be taken among data on which our calculations are formed. Nor will France be apt to join Spain against us, for the very reasons which induc'd her (so far as they were of a general political nature) to cede to us Louisiana. I think our attitude is not likely to be less imposing a few months hence with Spain than it now is. If she has assumed a high tone in the communications with Mr Pinckney, I do suspect it is more the effect of transient causes, produc'd by what has occur'd at Madrid, or by the communications of her Minister at Washington, than any settled opinion of the policy she ought to observe towards us. She will probably get the better of her passions on some short reflection. But I hazard remarks on facts which are presumed & therefore may err.

If the business fails here in respect to the seamen, for in every other point it has substantially succeeded, in practice tho' not by treaty with this gov^t^, it remains to be decided in what light it is to be viewed in America. So far as I can form any opinion on the subject, it is that it sho^d^ produce no irritation in our proceedings. The thing will come right here at no remote period of time & in my opinion sooner by a firm manly stile of conciliation, which shews it is not prompted by unworthy motives, than by an irritating defying one. The people have considerable influence over this gov^t^; such a tone wo^d^ impose a great restraint on it in respect to us; in fact I think it wo^d^ produce here in many respects a good effect. And in our interior, the effect would be

equally salutary. A certain description of people with us have no hope but in foreign wars. Their power attained great height in the controversy with France. Their present last resource is in one with England: they care but little with whom it is, so that it harrasses our country, expends money & is likely to create discontent. This remark I apply only to certain leaders, not to the body, as I presume the latter has already seen enough to be satisfied. It was obvious to a distant spectator, and of course more so to those on the ground, that the discussions respecting seamen last winter, in the Congress, gave them pleasure; in their toasts they took the side (that is certain individuals did) of the British; intimated that the seamen taken were British not American (as is probably often the case) & thus encouraged the practice heretofore pursued by this power, & lessened the disposition to arrange it by treaty. I do not mention these things as criminal in these persons: such mode of discussion is incident to free government and ought to be protected not persecuted. But it shews that the publick mind is not altogether ripe for a rupture on that ground, since the quarter of the Union, most injured by these acts, not only do not complain, but vindicates them. It seems to me as if an exhibition to the world, that our footing in all great points was perfectly friendly with the European powers; that important questions had been amicably arranged with them, that others which remained to be adjusted were in train, & it was not doubted would be concluded to the satisfaction of the parties, would

deprive these gentry of the last resource, at the same time that it would be likely to produce the desired effect here, with every power.

Permit me to ask will it not be better to shut up the country westward of the Mississippi for many years yet to come? Or if any exception is made to the doctrine, that it be in permitting the settlement, at a suitable time, of the right bank of the river only? If the territory is opened for sale westward of it, I think it will depopulate the old States and endanger a separation. To secure the Union forever I think the progress sho^{d} be slow in that quarter, that is westward of the river; that we sho^{d} make sure the steps we take, and see by the habitual exercise of government for some time over that region, that is the eastern side, what the effect of any other measure is likely to be. By such a course the present lands will be sold to advantage; America's population will be planted on the eastern side the river, who will cross & carry with them their principles of gov^{t}, of union, local attachments &c. This subject will I well know be sufficiently weighed. Feeling much anxiety on it I have taken the liberty to intimate concisely what I think on the subject.

I have this moment read what is stated in the gazettes of the day, of the probability of an approaching rupture between this gov^{t} and Spain, as suggested by Lord Harrowby to some merchants of the city, convened to receive it. It is possible his Lordship may be induc'd to delay his communication with me on that acc^{t}, tho' I confess I do not clearly see the

motive of it, unless this should be a manœuvre, intended to produce an adjustment with Spain before I get there. Shoᵈ that even happen I do not think it woᵈ be likely to prevent our success, because Spⁿ is more interested in the adjustment on fair terms than we; and because if the war lasts I do not think that any arrangement between G. B. & Spⁿ can be considered as final, since it must depend on other circumstances, not within the controul of either party, certainly not of Spain. However I sincerely wish I may be able to get off soon. To push the affʳ on the moment of this publication would appear to be connected with it, and a measure produced by it. Still as his Lordship has not been open in his communications to me, he ought not to be surprised if I did so; they may feel mortified to see no profit of their follies, or likely to do so; yet it is surprising that they have not sufficient elevation of mind to act in such manner as to make the aids we derive from their measures, gain them some credit or acknowledgement on their part. Should anything occur before the ship sails I will not fail to communicate it.

I have heard nothing from Mʳ Livingston since the 15ᵗʰ of July, nor do I know in what state our affʳˢ are there. I hope the little affair of the distribution of the sum intended for our citizens, will not prove a cause of any serious trouble to us. My family enjoy good health at present & desire to be affecʸ remembered to you and yours. I have heard but little of our neighbours in Albemarle. No change has I presume taken place among them. Peter Carr was much

afflicted with a complaint when I left home. Is he recovered? I am dear Sir with great respect & esteem y^r friend & servant.

P. S. Just as I had resolv'd to write Lord Harrowby for an answer to my note, with a view to push my departure, I rec^d from him the enclosed to which I gave the answer annex'd. My present determination is to write him on Monday, in case he does not mention the subject to me on Friday & there is cause to conclude that he is amusing me, to press such an answer; in that case it remains to be decided, whether I will notify to him my intention to depart for Spain immediately & regret that we could not conclude it before I went, & make that the ground of the note, or leave it open by an ordinary complaint of delay, to further negotiation &c.

TO THE SECRETARY OF STATE.

LONDON October 3^d 1804.

SIR, — Some days after Lord Harrowby returned from Weymouth I received from him a note of the 26th ult^o expressing his regret that he had been so engaged since his return, that he had not been able to see me, and that he could not even then fix a time for the purpose. His note concluded with an invitation to dinner on the 29. at his house in the country. On an attentive consideration of the note and all preceding circumstances, I was of opinion that his object by it was either to give me to understand, in a

conciliatory manner that he could not conclude with me at present the business in which we were engaged, and wished it postponed, or that he sought an opportunity of conferring with me in retirement more freely on the subject of it than he could do at his office. In either view I thought it incumbent on me to accept the invitation. I had however some doubt as to the mode. I hesitated at first whether I ought not to meet him in an expression of regret at the delay to which I was subjected, but I could not well connect such a sentiment with an acceptance of the invitation; and there was the less reason so to do, as that was to take place so soon. I therefore thought it best to let his measure take its course; to see the result of it and then adopt such an one as might appear most advisable at the time. With this view I confined my reply altogether to the invitation, which I accepted. The dinner party was small, yet so composed as to preclude the idea of an interesting political conversation with me having been intended by it. Not a word was said on the subject, so that I returned with that material fact only added to the data on which I had to deliberate, in deciding the part it now became me to take. I saw distinctly that the motive first above mentioned had dictated the note to me of the 26th, that Lord Harrowby wished me to infer from it, that he could not now proceed in the business in which we were engaged, with the hope of an early conclusion of it, and was also desirous that the intimation should not affect the friendly relations subsisting between the two powers. I resolved at once not

to press the affair further at the time, from a belief that such pressure, instead of promoting the object desired, was more likely to encrease the indisposition of this government to any arrangement by treaty, as it seemed to lead directly from the safe ground on which I stood, to a vexatious and irritating controversy. I resolved also to hasten my departure for Spain, with as much dispatch, as the explanations incident to such a measure, under existing circumstances, would permit. There seemed however to be some considerable degree of delicacy and importance attached to the manner in which this decision should be communicated to his Lordship. Two modes occurred essentially different in character. The 1st supposed the negotiation at an end; the 2d as suspended only. To the first were opposed several strong objections, which were counterbalanced by no single advantage that could reasonably be hoped from it. 1st A declaration by me to Ld Harrowby that I considered the negotiation at an end thereby implying that it had failed in its object, might appear to form a species of rupture between the two countries, especially when taken in connexion with my immediate departure from this, with intention to pass thro' France. 2. A measure of such tone was not invited by, nor did it necessarily result from, his Lordship's letter of the 26, which sought only delay, and in a conciliatory manner. The circumstances of the country might induce him to expect an accommodation in that respect from a friendly power; and to fail in giving it create a deep impression of resentment in the mind of the ministry, and perhaps

the nation against our government and our country. 3. Such a measure with the implication incident to it, was not justified by fact or the true interest of the U. States. The negotiation had not failed in its great objects, our commerce was never so much favored in time of war, nor was there ever less cause of complaint furnished by impressment. The state of Europe is unsettled; the events of war are uncertain; the U. States are prosperous beyond the example of any other nation, and more might be lost at home and abroad by an appearance of hostility with any power than could be expected, from a formal concession of the points contended for. 4. Such a declaration would also be contrary to the spirit in which the negotiation had been commenced and carried to the present stage. It would lose the credit which our moderation had merited; expose to hazard fortunes that were secure, and even with less hope of advantage in any view, than might be entertained from a continuance of the same system of moderation. 5. My instructions did not authorize a measure so hazardous: they seemed to require only that I should make a fair experiment, of the disposition of this government to arrange these points amicably, and submit the result to the wisdom of our government to act afterwards on a view of all circumstances, as it might deem most advisable, unfettered by any compromitment of mine. 6. By keeping the negotiation open it was in our power to renew it at pleasure, and it was probable, by preserving our neutrality and profiting of the credit attached to it, that our attitude in it

would every day become more imposing. Under these circumstances I resolved to pursue the latter course; to meet the friendly sentiment expressed in Lord Harrowby's letter of the 26th, with a like one on our part; to regret the delay but to admit that the state of things might impose it on him; to state the necessity of my departure for Spain but to declare the pleasure with which I should return to resume the negotiation. His Lordship's reply which is also enclosed, breathed the same sentiments, so that the affair rests precisely on that ground. The negotiation is suspended by mutual consent, to be renewed on my return from Spain, or whenever the President shall otherwise provide for the same.

I took occasion in my letter to Lord Harrowby to state the route I should pursue to Madrid, through Holland and France, to scout the degrading suspicions which too often attach to such movements in such times; suspicions which are generally created by the artifices which are used to hide the movements, since they are considered and perhaps properly as proofs of guilt.

I thought proper to notify to Lord Harrowby at the same time that Mr Purviance would be left in charge of our affairs here, and that I should be happy in having an opportunity to present him to his Lordship in that character, which was arranged and done on the following day. I have committed this trust to Mr Purviance in full confidence that he will discharge it with perfect integrity and a diligence and capacity to merit the approbation of the President. His com-

pensation which has proved totally inadequate to his station as secretary, becomes of course much more so to his present one, which will unavoidably expose him to many heavy additional expences. I have taken the liberty to instruct our bankers to advance him the sum of one thousand dollars, which is necessary for his immediate accommodation, and trust that the President will make him such an allowance as may be deemed suitable to his situation.

In the interview which I had with Lord Harrowby for the purpose above mentioned, we had much general conversation on the subjects depending between us, which as it corresponded with what had passed before and been communicated to you, it is unnecessary to repeat. He appeared to agree with me with great sincerity in the advantage to be derived to both countries, from the preservation of their present amicable relations and to be quite satisfied with the state in which the negotiation was left, assuring me that he would not fail to take it up on my return, with an earnest desire to conclude it to the satisfaction of both parties; tho' he intimated that there was great difficulty attending certain branches of it. He suggested that as I was forced to go to Spain he hoped that the suspension would prove equally convenient to us both, to which I assented. He thought it unnecessary for me to go to Weymouth to take leave of the King, as he kept no regular court there and my absence would be short; he promised however to communicate to his Majesty my request to be presented to him there, as of his undertaking to prevent it, with

which view he desired me to address him a special note to that effect to be submitted to the King a copy of which is enclosed.[1]

In the course of this conversation Lord Harrowby expressed concern to find the U. States opposed to G. Britain on certain great neutral questions, in favor of the doctrines of the modern law, which he termed novelties. I replied that in adhering to our principles the President had endeavoured to arrange them in a friendly manner with his government; that he had taken no step of an opposite character; that he had sought no concert with the neutral powers in support of them, as he had supposed that a satisfactory arrangement to both governments might be made by direct communication between them which he preferred. He observed that altho' while the negotiation was suspended his government would adhere to its principles, yet that it would act in what concerned us, with moderation, in the practice of them.

I informed you of my letter of the 8 of September that a case had occurred of an American vessel engaged in commerce between Batavia and Holland as was inferred, by her having an European destination, being brought into port and subjected to trial. The case is not yet decided, tho' in his remarks while the cause was in hearing before the Court, the Judge maintained the British doctrine: it was postponed to

[1] The substance of which is that although his mission to Spain was "extraordinary and temporary," from which he was to return as soon as its object was fulfilled, he would have been very happy to be presented to the King, if circumstances permitted, before his departure.

ıscertain what the regulations of the government of Holland were in peace respecting our commerce with hat colony. He did not say if they prohibited the rade that they would condemn the vessel. It is ɔrobable she may be acquitted on some other point n the cause without impugning that principle. It is ınderstood that several other vessels engaged in the ıame trade which were stopped and examined at he Texel by the British Cruizers, were permitted to ɔrosecute their voyage; hence it is presumable that ɔrders were given to that effect by the government. [t is certain that on no principle or pretext whatever, ıas more than one of our vessels been condemned, on which judgment their is an appeal.

The whole subject is now before the President, on which I have to remark, that in discharging this trust I have endeavoured in every stage, to give full effect :o the feelings and sentiments of my country in re- ɜpect to the objects in question, especially the unwar- ·antable practice of impressment, without taking any ɜtep which should compromit our government, in the ɔart it should take, when the result was submitted to t. In that state the affair now is, for after the expira- :ion of a few months, it is perfectly consistent with t, to revive the negotiation in such form as the Presi- ɗent may deem advisable. The proceeding here lays ı foundation for any course which the publick honor ınd interest may dictate. If it is deemed expedient n pursuing our just rights to profit of time and :ircumstances and in the interim, unless they be ɜecured by a fair and equal Treaty, to act with moder-

ation 'till the occasion invites to a more decisive and hazardous policy, the state of things permits it. Or if it should be deemed more advisable to adopt the latter course at present, the opportunity is fair for such a measure. The situation in which our government will find itself on receiving this communication is a very different one from that in which I have stood throughout. If the latter course is preferred it cannot be doubted that the moderation which has been so far observed will strengthen the government in any of the most vigorous measures which may be thought necessary. A virtuous and free people will be more united in support of such measures however strong they may be, when they see by the clearest evidence that the cause is not only just but that their government has done everything in its power which the national honor and interest would permit to avoid such an extremity.

I shall apprize our Consuls that Mr Purviance is left in charge of our affairs during my absence, and have only to add that I expect to sail to-morrow or next day in a vessel bound to Rotterdam (my baggage being already on board) on my way to Madrid, whither I shall proceed with all the dispatch that may be practicable. I am, Sir, with great respect & esteem Your very obedient serv^t^.

TO M. TALLEYRAND.

PARIS, November 8—1804.

SIR,—Before the conclusion of the late treaty between the U States & France, your Excellency will

recollect that it was an object of the President, to acquire of Spain by amicable arrangement, Florida, it being a portion of her territory which she held Eastward of the Mississippi. It was also his object after the conclusion of that treaty, not that it was pressed by such imperious considerations as before, but that it would contribute to remove all cause of uneasiness & jealousy between the two powers, they might adopt & harmonize in future, in such a system of policy as might secure to them peace, and give additional protection to their possessions in that quarter especially to those of Spain. In the conferences which produc'd the treaty above mentioned, the good offices of his Imperial Majesty were engaged to the U States in any negotiation which the President might commence with the Catholick king for the acquisition of Florida. The same assurance was renewed after the conclusion of the treaty, tho' it was intimated that that was not a suitable time for the commenc'ment of such a negotiation. It was on that intimation, as your Excellency will also recollect, at a moment when I was about to set out for Spain in pursuit of the object, (the then recent orders of the President permitting it) that I postponed my journey thither, and took a different position. The proposed negotiation with Spain was in consequence, and has since remained suspended, and it is in obedience to late orders from my government that I am now so far on my way to Madrid on that subject and that M[r] Livingston has requested the good offices of the Emperor in support of it. It is proper here to remark that since the epoch referred

to, the treaty then just concluded between the U States & France, has been carried into effect in its great points with that scrupulous attention to good faith which does to both parties the highest honor. Their conduct in that transaction gives to each a pledge for the integrity which is to prevail in their future intercourse. I may be permitted to add that as I declined my visit to Spain at that epoch the more readily, to give an opportunity for the complete execution of that treaty, so now that it is carried into effect, I undertake it with the greater pleasure, since it confirms me in the confidence before mentioned, of the support which wo[d] be given in it by his Imperial Majesty.

The President has been induc'd to adopt this measure at this time by considerations the most urgent. As these are inseparably connected with the proposed negotiation, indeed form in part the object of it, it is due to the friendship subsisting between our governments, and to the candour which the President will never fail to observe in his transactions with the Emperor, to give you a distinct idea of them. They will I doubt not satisfy you that the President has heretofore shewn a sincere desire to cultivate the friendship of the Catholick king, and that the attempt which he now makes to preserve that relation is a new and signal proof of that disposition.

Since the treaty between the U States and France whereby Louisiana was ceded to the former, a question has arisen between those States & Spain relative to the boundaries of the ceded territory. It is understood that the government of Spain entertains an

ea that that cession comprizes only that portion of ouisiana which was ceded to it by France in 1762; at it does not comprize the portion also which was ded by her at the same time to G. Britain, distin- ished while in her possession by the name of W. orida. This pretention of the court of Spain can- t, it is presumed, be supported by even the colour an argument. Had that been the intention of the rties in the treaty of St Ildephonso it would have en easy to have provided for it. The idea was a nple one which a few plain words would have ex- essed. But the language of the article referr'd to nveys a very different sentiment. We find in it thing which countenances a presumption that the nperor meant to retake from Spain only a portion Louisiana; or to refer to it in a dismembered state. was natural to suppose, in accepting a retrocession of at province from a power possessed of the whole, that would take it entire, such as it was when France ssessed it. Accordingly we find that the terms the article making the cession are as full and explicit that object, as it was possible to use. It is not stipu- ed that Spain sho^{d} cede to France that portion of ouisiana only which she had rec^{d} from France; or at W. Florida should be excepted from the cession. is on the contrary stipulated that she shall cede it uch as it was when France possessed it," that is ch as it was before it was dismembered by the ssions afterwards made to Spain & G. Britain. iat she sho^{d} cede it "with the same extent which became by the treaty of 1783 whereby W. Florida

was ceded by G. Britain to Spain": "such as it is according to subsequent treaties between Spain & other powers," a stipulation which does honor to his Catholick Majesty since it proves that in making the cession to France he intended to cede only what he had a right to cede; that he recollected the treaty which he had concluded with the U States in 1795; knew the extent of its obligations and was resolved to execute them with good faith. Your Excellency will receive within a paper containing an examination of the boundaries of Louisiana which it is presumed proves incontestably the doctrine above advanc'd, as also that the river Perdido is the antient and of course present boundary of that province to the East and the Rio Bravo to the West.

The U States have other causes of complaint against Spain of a serious import. In the course of the last war many aggressions were committed under the authority of the government of Spain but as is presumed without its sanction on the commerce of the U States. Her ships of war and privateers took many of their vessels in Europe & America carried them into her ports, detained & condemned them under pretexts which cannot be justified. The injury sustained by this proceeding was great and extensive, for which it is the duty of the President to obtain for the sufferers an adequate reparation. A convention was entered into at Madrid about two years since between the two powers which provided a partial remedy for the injuries. The greater object however was left open for future arrangement. It was owing to that

consideration and to a knowledge that the principal cause of variance was unprovided for, that the negotiation was in truth unfinished, that neither government took any interest in ratifying or executing that convention. The whole subject therefore now lies open for discussion, and it is very much desir'd to conclude it on such fair principles, as may be satisfactory to his Catholick Majesty, while it enables the President to vindicate the character of his administration, in obtaining for American claimants the justice to which they are entitled.

The occlusion of the river Mississippi about two years past contrary not only to the spirit but the express stipulations of the treaty of 1795 between the U States & Spain was an act which exposed to essential injury the interest of the western Inhabitants of those States, while it could not be considered otherwise than as an high indignity to their government. His Catholick Majesty did not hesitate to disavow the act when complained of by the American Minister at Madrid. This disavowal made some attonement to the violated honor of the government, but no reparation for the injury which had been sustained by individuals. A reasonable but adequate reparation is still due on that acct and it is expected that his Catholick Majesty will see the justice and propriety of making it.

These circumstances have produced an interesting crisis in the political relation of the U States and Spain which it is the sincere desire of the President to remove by fair and amicable arrangement. If the

negotiation which is about to be commenc'd by his order, does not terminate in that result, it will be owing altogether to the govt of Spain. The measure which is now adopted, the negotiation which is invited is a convincing proof of the sincerity and good faith with which the President seeks to preserve the relations of friendship between the two powers. In the pursuit of its objects no unreasonable pretention is entertained, no unjust demand will be made. On the subject of boundaries, altho the Congress on a thorough conviction of its rights authorises the taking immediate possession of Louisiana according to its antient limits, and of course to the river Perdido to the East, yet the President from motives of respect to the Catholick King, postponed the execution of the measure to give time for amicable explanations with his government, in full confidence that they will produce their desir'd effect. In respect to aggressions on our commerce, and other injuries, it cannot be doubted that a suitable indemnity will be made for them. The cession of Florida is a question which rests on different ground. The policy of that measure and the conditions of it, in case the policy is admitted are points to be decided by each govt for itself, from a view of its interest and other circumstances. Should the cession be made and the other points be adjusted there is no reason why the peace and friendship of the two nations should not be perpetual. There would remain no cause of jealousy between them; no points of collision. Possessed of ample territory to satisfy their growing population for ages to come, the

ates would be left at liberty to pursue their interior rangements without apprehending the interference, having the disposition to interfere with their neighurs. Such a system of policy on their part would ntribute in a very eminent degree to the security of e vast dominions of Spain to the south of us. To ain it is presumed that the territory is of but little portance. In itself it is of none as it is a barren act. If she retains it, it must be as a post for troops be plac'd there in opposition to us; a measure ich tends to provoke hostility & lead to war. The avanna is a post which answers more effectually ery object which she could contemplate from this, ile it is free from all the objections that are applicle to the latter. Being an Island it is less assailable a foreign power; situated in the gulph of Mexico furnishes the means of giving all the protection to r other possessions that she could desire; and by iiting her whole force at one point encreases her eans of defence against attack as of annoying her emies in time of war. It is earnestly hoped that e Catholick King will take a dispassionate view of ese circumstances and of the relative situation of the o powers and meet the President in a suitable prosion for their future friendship. Should he hower be disposed to pursue a different policy, on him ll the responsibility rest for the consequences.

The relation which has subsisted invariably between s Imperial Majesty & the government which I have e honor to represent, has been of the most friendly aracter. If it is on the knowledge of that fact and

the satisfactory evidence which it furnishes that the Emperor takes an interest in the welfare of the U States; it is on the promise above adverted to, made on his part to support with his good offices any negotiation which the President might commence with the court of Spain for the acquisition of Florida, as also on the firm belief that the attainment of that object, with the amicable adjustment of all subsisting differences between the U States and Spain, must be advantageous to France, that his good offices have been and are now requested in support of that negotiation.

My mission to Spain being extraordinary is also temporary. As soon as its objects are accomplished it is my duty to return to London, which I shall do thro this metropolis, where I hope to have the honor & pleasure of being presented again to his Imperial Majesty & of acknowledging in person his friendly aid to my government and country in a transaction of high importance to its interest, which the President has thought fit to commit in part to my agency. I beg your Excellency to accept the assurances of my high consideration.

TO ROBERT R. LIVINGSTON.

PLACE VENDOME, 13 Novr 1804.

DEAR SIR,—I received your letter yesterday with one to Mr Tallyrand, in support of mine to him, on the subject of the proposed negociation with Spain, for Florida. Your letter to him is quite satisfactory to me, indeed such an one as I wished you to write

him. It appears to me to be very proper for you to remind him of his assurances renewed to you to support that negociation; and that you have done it in unexceptionable terms.

I sent the communication to M. Tallyrand this morning, being fully satisfied of the propriety of the measure. As you had communicated to me on my first arrival very fully everything that had passed between you and this Government on the subject, I thought myself as completely possessed of it as it was possible to make me, especially as it was one with which I was in other respects acquainted. As we were together every day, conferred freely on it, were to move in concert, I meant to do nothing without consulting you. I really thought that to read the details was more a matter of form than anything else. Nevertheless I always meant to read them, and to request of you copies of the several papers, before I set out for Spain, where recurrence to you being impossible, they may be useful and perhaps indispensible. The circumstance of my having repeated in my letter to M. Tallyrand what you have already urged is no objection to it. It only shews that we think alike on the same subject & adopt the same means to promote it. On the policy of the measure itself, I have so often and fully expressed my ideas to you, that I will not trouble you with a lengthy repetition of them, I will only observe that in consideration of the engagement of this government to support our negociation with Spain, for the acquisition of Florida, of the moral obligation it is under to support our claim to boundaries,

in their just extent, of the inseparable connection which a negociation for those objects has with the others which claim our attention, of the influence which France may have in the negociation & probably will have, of the change of opinion which you have reason to think has taken place here, and of the crisis to which our affairs with Spain have gone, it would have been highly improper for me to have proceeded to Spain without the subject having been brought in the extent it has been before this government. I am decidedly of opinion that the step taken in the present state of affairs is the strongest proof that we can give of the candor of our government and of its sincere desire to perpetuate the friendship subsisting between the United States and France. By possessing her government with a just view of our claims, & the danger of the crisis existing, we enable it freely to take that part, which its honor and interest may dictate, which might be more difficult in any stage of the business. If the Emperor is disposed to assist us in the negociation, in which I repose much confidence, I hope and think that the communication made will tend to confirm him in that disposition. In any event, it may enable us to say something with certainty to our government on that point, and it to decide on a full view of all circumstances at the present time, the course which it is most consistent with the public honor and interest for it to take. Whether my judgment is correct in these respects I will not pretend to say. I am happy however in knowing that altho' we differ in the mode

to be pursued at this moment, we are united in the objects, and that the step being taken, I shall have all the aid which you may be able to give to insure success to the negociation.

TO THE SECRETARY OF STATE.[1]

BORDEAUX, December 16. 1804.

SIR,—I arrived here last night in seven days from Paris which I left on the 8th. It is necessary to write forward two days to Bayonne to make arrangements for the mules which are to take me to Madrid. The intermediate country or the greater part of it is said to be almost a desert. There are but few taverns on the route and those furnish neither beds, provisions or other accommodations than that of shelter; in addition to which there is danger of being attacked by robbers, especially to publick characters who travel slowly without a guard, of which an example lately occurred in the case of the Ambassador of Portugal who was attacked and plundered of everything he had with him. Hence it becomes necessary to adopt precautions against all these evils. With a relay of mules the journey may be made, without halting as I presume a moment, in five or six days. With the same set it requires 12 or 15. I have requested Mr Lee in harmony with an acquaintance of his here, a respectable merchant to whom I was addressed from Paris, to write to Bayonne to have the necessary

[1] From Letter-book, Library of Congress.

arrangement made for my immediate departure on my arrival there for Madrid, to proceed with the greatest dispatch, under an injunction however to dispense with the relay, in case on a comparison of the difference in the time incident to each mode, it appeared to be less an object than I had understood it was. This gives me two days at this place and the opportunity of communicating what it is material to add to my letter of the 27th ultº[1]

On the day of my arrival at Paris Mr Livingston informed me, after having stated what had occurred respecting the disposition of the French government on the points depending between us and Spain, that he had a plan for the adjustment of our differences with Spain which he thought would be effectual and we might adopt with advantage. His project was that Spain should put us in possession of the disputed territory and that we should create a stock of about seventy millions of livres which should be transferred to Spain of which ten millions should be reimbursible annually, and that provision should be made for settling amicably in the interim the question of boundaries between the two countries. He informed me that he had communicated his plan to you for the consideration of the President. I observed that I was persuaded that the adoption of such a plan could not fail to terminate in our paying twice for the same thing, since it was not presumable that we should ever get back any of the money which might thus

[1] Monroe's Letter-book, New York Public Library.

be advanced, or that the boundary would be settled otherwise than it now is without our sacrificing the stock thus transferred; that his plan was further objectionable as it did not secure us East-Florida, the only point which we admitted to be in question, or the payment of the sums due to our citizens. He replied, on the contrary, that by his plan we should get the country without paying a farthing for it, as the reimbursement might be secured by drafts on Mexico, and that East-Florida might be comprized in it and likewise put in our possession. I have since understood of Gen! Armstrong, that such a disposition of East-Florida formed a part of the plan, and it is proper to observe that I understood of M! Livingston that the transfer of the stock to Spain was to be considered in the light of a loan. As however the project has been communicated to you, it is unnecessary to go further into that subject than to state the light in which it appeared to me by his own representation. As it was obviously incompatible with your instructions to me, and with every idea which I entertained of our rights and interests in the points to which it referred, after stating the objections above mentioned in as delicate terms as I could, tho' distinctly, I declined a further discussion of the project from a sensibility to his own feelings, which I was fearful I might hurt by pushing it further. I asked him to be so good as to present me to the government which he promised and complied with. When he presented me to M. Tallyrand he said nothing of my being on my way to Spain, or of the motive which brought me to

Paris: he observed the same conduct when he presented me to the Emperor. I could not help observing the circumstance in the first instance; however when I recollected that he had before informed me that he had apprized M. Tallyrand of my arrival in Holland, my destination, &c., I considered it as a casual omission to which I attached no consequence, and perhaps it merits to be viewed in that light. He obligingly asked an audience of the Arch-Chancellor Cambaceres and Arch-Treasurer Le Brun to which he accompanied me as he had done in a visit to M. Marbois and in two afternoon visits to M. Tallyrand in neither of which did we find him at home. When I was presented to M. Tallyrand, he received me with great kindness, and told me that he should be glad to see me often, with other expressions of the same kind. After some few remarks relative to the time of my departure from England, my journey, &c. he asked me if I would stay some time in Paris? I replied that I should, but that I was on my way to Madrid, he paused and seeming to collect himself added, "Aye, I understand you. You will have much difficulty to succeed there."

I observed, that, I hoped not, with the aid of his good offices. He smiled, but made no reply passing on to others. The other gentlemen above mentioned treated me with the friendly regard they had always done.

After these forms were gone through I asked Mr Livingston if he could do any thing more to forward the business which had brought me to Paris, to which he

replied "that he could not." I then asked if he had any objection to my entering into communication with the Ministers of the government and doing everything in my power to forward it? He said that he had none, on the contrary he thought it was very proper that I should do so. On very mature reflection I resolved to take the course which is detailed to you in my letter of the 27th and accordingly immediately set to work to prepare the paper which accompanies it. I was the more prompted to this from what escaped M. Marbois in a conversation three days after my arrival in Paris, in which I communicated very fully the object of my visit to Spain, of passing thro' Paris on the route and of the expectation which I entertained of aid from his government. He observed, that such was the situation of Spain at this time, that if we would make her suitable pecuniary accommodations we might succeed. I availed myself of the occasion which the remark furnished to shew the impossibility of such accommodations being made, while it was admitted that we treated on a footing of equality, and paid any regards to the rights and interests of our fellow-citizens. He observed that our claims were unsettled, and that it was a very important object to the U. States to extinguish the right of Spain to any territory within our limits: I had by accident unfortunately left with Mr Purviance my copy of the paper entitled "an examination into the boundaries of Louisiana": Mr Livingston had committed his copy of the same document to M. Marbois, with a view to promote its doctrines some time before

my arrival, to whom he had referred me for it. On delivering me the paper M. Marbois observed, that in my communication with M. Tallyrand which I had intimated I intended to have, it would be proper to have my note prepared, and after conversing freely with him on the subject to deliver it in person, asking of him at the same time another interview. In conversation with M. Hauterive at M. Tallyrand's some days after this, on the same subject, he expressed to me the same sentiment that M. Marbois had done, as the principle on which our differences with Spain must be adjusted. He observed that both parties must make sacrifices; that Spain must cede territory, and that the U. States must pay money. I made the same objections to this remark that I made to M. Marbois', tho' less in detail as the opportunity was less favorable. From all these circumstances I was the more confirmed in the opinion that a paper containing a general view of our differences with Spain, should be presented to the French government, which should in the clearest manner possible prove, that in no event could any money be paid to Spain in consideration of the proposed adjustment.

Mr Livingston happening to call on me soon after I commenced the paper which I contemplated to present to M. Tallyrand, I shewed him what I had written and asked him what he thought of the plan, of which what he saw might enable him to form some opinion. He noticed that part which respected the debts due by Spain to our citizens and seemed to think that it was improper for me to advert to it in a

communication with the French government. I told him that my motive was to preclude the idea of our paying to Spain any money by virtue of the proposed treaty. He said no more from which I concluded that he saw the propriety of the measure. Two days afterwards he called and asked if I had received any new instructions from you relative to our differences with Spain. I replied that I had not of a late date. He said that he meant more especially the part to be taken with the French government. I gave the same answer. He then observed that it was in his opinion improper for me to hold any direct communication with the French government: that none ought to be made but by himself or his successor, in his name and of course such as he approved. He hinted that such an interference had the appearance of an intrigue, tended to undermine the minister, and as we might think differently on the subject, might embarrass him in his course with this government in promoting an adjustment with Spain, especially if the contents of the communication were not known to him. These remarks were so singular and unexpected that they utterly astonished me. They led us into a conversation of some length and earnestness, the substance of which is as follows. He further observed that as I was a mere passenger not accredited to the French government, he doubted whether the minister would answer my note: that the object which I sought had been already obtained of it, by instructions to Gen! Bournonville,[1] and that my application might produce

[1] Pierre de Ruel Beurnonville, French Ambassador at Madrid.

a revocation of those instructions and draw a decisive answer from the government against our pretentions and thereby do essential mischief: that he had told me on my first arrival what had passed between him and this government on the subject, and offered to shew me the correspondence which I had declined reading. To these objections, after expressing my surprize, I replied that till then I had supposed that we were acting together; and that the course I was pursuing had had his entire approbation; he had informed me on my arrival that he had apprized M. Tallyrand of my being on the route, my destination and the object of it; had presented me to the government, declined acting farther, as he said, on the occasion, on account of the arrival of his successor at the port, and expressly sanctioned the measure I was about to take, which seemed to be the more necessary as Gen! Armstrong had not when I commenced the paper arrived, was not then received and might not be for some time: that I did not think that my agency merited to be viewed in the light in which he seemed to place it; that I was not interfering in concerns with which I had nothing to do, and undermining the minister to whom it belonged; that I had been formerly accredited to the French government on this very subject, had had communications with it on it, and had left the affair in such a state, when I took my leave of the First Consul & went to England, with him, and all the chief officers of the government, as excited the expectation that I would renew them on my return; that as I was a minister of our government proceeding thro' Paris

with its approbation and for the express purpose of doing everything in my power to promote the object of the mission to Spain, I did think that I had a right to communicate with the French government in the manner I proposed, nor could I suppose that my note would remain unanswered; that it was not likely I should take a view of the subject, different from his, as I acted under instructions which I should obey strictly; it would be strange indeed if I who was charged (in association with Mr Pinckney) with the business, by our government, who possessed all its views on the subject, should embarrass the minister there whose duty it was only to obtain the aid of the French government in support of the negotiation: that I could not imagine what had suggested the idea of secrecy on my part in respect to him, since no act of mine justified it; I had already shown him what I was about when I had drawn only a few paragraphs of the paper, which proved not only that I withheld nothing from him, but that I meant to consult him on what I did: that the object which I sought was not obtained, since from what he told me of the actual disposition of the French government, it was manifest that without new instructions to Genl Bournonville I could not rely on his aid; that the former were probably revoked, but if they were not, it could not be doubted that they would be as soon as I proceeded on to Madrid, unless some new impression was made on his government to prevent it; that so far from considering the object as being obtained, by the instructions which were given to Genl Bournonville a year

past, I sincerely regretted that any application had ever been made to his government for them until the negotiation was about to commence, as by frequently calling its attention to the subject out of season, the idea of its importance was likely to be magnified and thereby essential injury done: that by our commission and instructions neither Mr Pinckney or myself could commence the negotiation in the absence of the other except in case of his death: that I had always intended to read his correspondence with this government on the subject, and had declined it on the night of my arrival only because I was fatigued and there was company present. This is I think a correct view of what passed between us. In adverting to it some days afterwards, he seemed to have taken some of my remarks, in a light different from what I had intended to place them; for example that I was better acquainted with the subject than himself, and would be concerned in no negotiation I did not controul. I very well remember that the idea which I meant to convey was, that I was better acquainted with my instructions than he could be; unless a copy had been sent to him, which I did not suppose was the case, since there could be no object for it, and the multiplication of such documents was always to be avoided when possible, and that I ought to be the judge how far an insight into my instructions, on the general object of the proposed negotiation with Spain, should be opened to the French government, and that I had a right to expect of the minister there an accommodation with my wishes in that respect. You will observe

that by the nature of the subject it is not likely that I could have been drawn by any degree of provocation, into the expression of a different sentiment, was my character in other respects open to the imputation belonging to that attributed to me. It was not the great question of Louisiana, its boundaries &c. that we were discussing. On these points there did not occur between us any difference of opinion, and with regard to any negotiation none was to be carried on with the French government. The object simply was to gain the aid of France in support of a negotiation with Spain. He said also that by my doctrine which precluded his agency in it, till I left England, it was improper for him to oppose the measures of the Admiral Gravina; I reminded him that in our conversation that circumstance had been noticed by him and that in my reply I had expressed a different sentiment; that I had made a distinction between his being prepared at all times and taking suitable measures when necessary to prevent mischief, and interfering in the manner he had done out of season to ask the aid of the French government in support of a negotiation which did not exist. I told him that had I not been advised by him that the French government had intimated its willingness to assist our negotiations with Spain, before I left England I should have remained there till I did receive such information: that under such circumstances I should have written him as soon as I received your instructions to enter on that business, to request him to communicate the same to that government, and ask its aid as has been

promised us; that except to prevent mischief, that was the time to ask it, and not sooner. I might mention other things, which he said, tending to irritate, if it was proper to enter further into the subject in that view. These however I pretermit, as I wish only to give you a correct idea of the occurrence, not to recite the remarks which perhaps were made in the warmth of discussion and regretted afterwards. One circumstance however it is proper to mention, because it is connected with the present topick, somewhat in character with it, tho' it happened on a former occasion. In the course of the conversation he reminded me of a difference which took place between us last year on a question to which the Chevalier d'Azara was in some respects a party, the substance of which he said he had communicated to you. I told him that I had never mentioned that incident to you from motives of delicacy to him and was surprized that he had done so. He intimated that he did not know what I had done in that respect and had thought it proper (as he never withheld anything from his government) to communicate what had occurred; that he had however done it in a manner that would be satisfactory to me. The circumstances of that incident are as follows. After we had concluded the treaty with France and been promised and were in daily expectation of receiving the ratification of the French government, I had decided as you know to proceed to Spain, of which I had apprized the minister of foreign affairs. Mr Livingston had urged the propriety of my so doing, and pressed my departure. At that

moment I was advised by the Consul Cambaceres not to go, with an assurance that that was not a favorable time, an advice which was given afterwards by the Consul Le Brun and others, and finally confirmed by the First Consul himself. When the first intimation was given to that effect by the Consul Cambaceres he referred me to M[r] Marbois for more precise details. I went immediately to M[r] Marbois's but not finding him at home thought proper to call on M. d'Azara, in the hope of getting some information from him on the subject. I had apprized him that I had intended to go to Spain, the object of the visit, and been promised letters by him. As soon as I mentioned the subject to M. d'Azara, he told me that he had written to his court a few days before by an extraordinary courier, at the request of M[r] Livingston, to propose to it, to cede Florida to the United States, and to submit to it the propriety of treating for it at Paris. I asked when he expected an answer to his proposition? He said if it was sent by an extraordinary courier it would be in 20—days from the time his left Paris, but if by the post, a much longer time. Of this step M[r] Livingston had given me no information, and it was by accident that I discovered it, to my utter astonishment, as he was actually pressing me at the time to set out for Madrid, in obedience to my instructions, to commence a negotiation there, even against the advice which I had received from the second and third Consuls as above mentioned. I saw M[r] Livingston the day after I had received this information from M. d'Azara, for the incident was so

traordinary and unexpected to me that I declined on him in the evening, when he asked me when I should set out to Madrid. I replied that a new difficulty had occurred in the business & recounted to him the above. He spoke of it as mere casual conversation with the Chev^r d'Azara. I observed, that it appeared that the Chev^r had it in a very different light, by having submitted it to his court by an extraordinary courier: that under such circumstances it would be very absurd for me to proceed to Spain, at a time when a power to treat on the subject which carried me there, might be so soon expected at Paris. I reminded him that if the power had arrived, even while I was there, no negotiation could be commenced by us, as it was entrusted to Mr Pinckney and me; much less could be carried on by him alone in the absence of Mr P. and myself. We went together by accord to the Chev^r d'Azara, when he requested the Chev^r to announce to his government that I was about to proceed to Madrid for the purpose &c. and to consider what he had said as of no consequence. I never mentioned this subject to you for the reason above suggested, and the more especially as by the manner in which it terminated, there seemed to be no necessity for it. At that time and since Mr Livingston has spoken of the subject in different lights. At one time he has represented it as a casual and jocular occurrence between him and the Spanish Ambassador, which meant nothing. At another, as having been an eligible expedient which would most probably have succeeded,

had it been pursued. If it is to be considered in the manner first mentioned, no harm could be done by putting an end to it. On the contrary some good might be, as important concerns ought not to be trifled with. If it is to be viewed otherwise, the proceeding is open to the severest criticism, in respect to his conduct in it, while the demonstration is complete that no harm was done by putting an end to it. Without relying on the important fact that he had no power to treat, it was sufficiently evident by subsequent events, that no negotiation carried on at Paris or Madrid could have succeeded. Before we parted I renewed to M[r] Livingston the assurance that as I had never contemplated taking any step in the business on which we conferred, without the knowledge of Gen[l] Armstrong and himself, so he might be perfectly satisfied that I should adhere to that resolution.

As I had adopted the plan of presenting a correct view of our differences with Spain to the French government, on reflection, so I resolved notwithstanding the above occurrence to pursue it. It was incumbent on me however for many reasons that now occurred to act with great circumspection. As soon as I had finished my note I called on General Armstrong who was not yet presented to the Emperor, read it to him and observed that it contained the view which I wished to be presented to the French government relative to our business with Spain; that since what had passed with Mr. Livingston, with which he was acquainted, I should be better satisfied that the substance should be communicated in his name or that of

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Mr Livingston than mine. He told me that he saw no objection to its being presented in mine: that as he was not yet received by the Emperor, he could not do it, and wished no delay. I then called on Mr Livingston and made the same proposal to him. He read the paper and approved it with some modifications, which were of no great importance, to which I readily assented. He sai hat he had no objection to my presenting it as an informal note, or if I preferred that he would enclose it to M. Tallyrand and ask him to give me an interview on the subject, tho' he intimated that that would take time. I suggested the idea of himself, Genl Armstrong and myself going together to the minister, and presenting him the paper, to which he seemed to be averse. I then said that I would call in person and present it myself, to which he assented. In an interview however with Genl Armstrong the same day, I expressed a desire that he would accompany me, to give the paper more weight, to which he readily agreed, tho' he said it would be better that we all three went, and promised to confer with and endeavour to prevail on Mr Livingston to accompany us. I saw Genl Armstrong next morning and heard that his endeavours had not been successful. As Mr Livingston was unwilling to accompany us, the General seemed averse to go without him, especially as he was not presented. In consequence I went immediately to Mr Tallyrand's office, and was informed by the porter that it was a day of audience for the foreign ambassadors, whom alone he was ordered to admit; that as I was not one he could not admit me

without the special license of the minister, which he would apply for if I desired it. As I saw his Court-yard full of carriages, and concluded that I could do nothing if admitted, I resolved not to ask it, and returned home to reflect further on the course to be taken. My final decision was to take no step on my own ground alone. I was aware that I was pursuing a course and pressing a point which was not well relished by those or some of them with whom I had to deal, and was therefore resolved to keep within strict rule and etiquette in every movement which I made. Of this decision I apprized Gen! Armstrong & M! Livingston without delay; of the latter I requested a letter to the minister, introductory of mine which he promised and complied with. I send you a copy of his letter which was perfectly satisfactory to me. He wrote me however at the same time a letter to dissuade me from the measure, which I answered in one which acknowledged my satisfaction with his to the Minister, and justified the measure I had taken. Of these I should send you copies had I not unfortunately left them at Paris, among papers which were deemed useless at Madrid. Some days after our letters were sent to the Minister M! Livingston received from him a short note which promised an answer to the communication, as soon as the sense of the Emperor could be taken on it, which however was not given when I came off. From an informal but authentick source I was assured that a report had been made on the whole communication by the department to be submitted to the Emperor, the substance of which was

General Armstrong intended some few days after I left Paris to call and tell the minister that I calculated with confidence on the good offices of the Emperor in the affair, and is prepared to discuss the merits of any answer which may be received unfavorable to our pretentions, tho' it is not improbable that none will be given, as I left Paris without one. You will perceive that I staid long enough to obtain one and could not justify remaining longer under existing circumstances between Spain & Britain. Indeed I wished none of the kind I thought it probable would be given while there: at the same time it is not improbable that this government will not be satisfied with a pretext for withholding one. You will see by the above how the affair stands and what prospects there is of success under the present powers. I had reason to think, indeed I was so assured, that France would have the negotiation transferred to Paris to secure the controul of it in respect to Spain, and that some propositions would be made in that state of it. I shall hope to be able to prevent this. But in balancing the great interests of our country, and the course which this affair may possibly take, the President will decide whether any new powers may be necessary to the commission, or modification of it. I am personally willing to act in any situation, or place, or association, tho' it is proper to remark that the situation of Mr Pinckney having demanded and obtained his passport, as I am informed, may create some difficulty in the business; none however which I shall not endeavour to remove.

I have had as you see by the above details, much vexation, and trouble, in this affair. So far as it respects Mr Livingston, it is at an end. We had no rupture, tho' some warm discussion. We parted as heretofore. In respect to this government, I have had to press things very disagreeable to some in power, the effect of which I thought I felt, in my relation to them. To balance between evils, without the hope of any profit to France, it has not been used to, and it takes it ill, of anyone, to expose it to that dilemma. Should the President deem it proper, to make a provisional arrangement, to meet all possible contingencies, the communication ought to be forwarded by a special messenger, without delay. I hope however that the existing one will prove adequate. I shall endeavour all in my power to make it so. I am with great respect and esteem, your very obedient Servant,

TO THOMAS JEFFERSON.

BAYONNE Decr 21. 1804.

DEAR SIR,—I am so far on my way to Madrid and on the point of recommencing my journey this morning. My letters to Mr Madison have been so full that it is unnecessary to enter into the same topicks here even had I time, tho I have not as I set out in an hour. It is possible that y^r^ attention may be directed to the fortification of our ports, since the establishment of certain fortifications on the coasts as places of security for our vessels to retreat to in wars to which we are not a party, independant of the great

object of protecting our cities from the insult of cruisers &c may make it advisable to take the subject up. My mind has been long made upon that point, and that an attention to the object as soon as others were arranged wo[d] add much to the weight of our gov[t]. My attention however has been drawn to it at this moment by meeting here a most able & respectable engineer Col: Vincent who made some important [original mutilated] at New York, & was introduced to me when formerly in France by a letter from Gov[r] Clinton. It was Col: Vincent who assisted in (or rather did it himself) in procuring that most valuable library which I sent to the department of war, which was most unfortunately destroyed at Washington by fire. I do presume that the aid of some very skilful engineers would be found useful in such a business when undertaken and that these must be procured from abroad. It is not improbable that this gentleman might be prevailed on to engage in this service, as he is very much attached to our government & country. He is a Colonel of long service in France of great experience, and of the fairest character. If he was engaged he might take others with him, three or four and who would not only accomplish the great object proposed, but lay the foundation of a military school. It is not impossible that Carnot who is his friend might accompany him. I only give you these hints for consideration. Sho[d] you wish anything of the kind, an authority to me or General Armstrong mentioning these men would be necessary. The approbation of their gov[t] I

presume might easily be obtained & would be indispensable. I am dear Sir with very great & sincere regard y^r^ friend & servant.

TO JOHN ARMSTRONG.[1]

ARÁNJUEZ July 2. 1805.

DEAR SIR,—I did not receive yours of the 6th ult^o^ till within these few days past. I thank you for it and the papers inclosed. On the pressure of Mr Pinckney some months since to obtain the ratification of the treaty of Augt 1802, an attempt was made by this gov^t^ thro its minister at Washington, to prevail on ours to accept it with the exclusion of French spoliations which was peremptorily rejected. The Marquis [blank] was then informed by the Secretary of State in a letter of Octr 25th "that the whole business was referr'd to the diplomatick agency of the U States at Madrid, and notwithstanding what had occurr'd that the mission extraordinary which had been provided for the general object would not be interrupted." By a letter of the 26th of the same month to me, of which a copy was sent to London on the presumption that I might not have set out for this place, I was instructed so to do: and as Mr Pinckney had asked his recall and intimated, that relying on its being granted, he might sail leaving a chargé des aff^rs^ in his place, a new and separate commission was granted me authorising me to act alone. On my arrival here Mr Pinckney and myself were associated in the same

[1] From *Bulletin of the New York Public Library*, Vol. IV., No. 2, February, 1900.

commission, we were so in the letter of credence wh I presented to the King, nevertheless he observed to me that as the discussions which had taken place between him and the Spanish government, might have excited in him some prejudice against him, which might be injurious to the proposed negotiation in case he acted in it, that he was perfectly willing to withdraw & leave the conferences to me, but would sign whatever might be agreed on to give it effect. When he presented me to Mr Cevallos he gave the same intimation to him as he also did to the prince of peace on a like occasion: the former replied that he should be happy to treat with whomever the President authorised for the purpose: the latter seemed to take no notice of the intimation, but behaved very politely to Mr Pinckney. On a consideration of these circumstances as also of what had passed between him & the Spanish government, on the public questions depending between the two governments in which he appeared to me to have acted with firmness and ability, I saw no reason after the receit of the letter of Octr 26 and the new commission why he should withdraw from the negotiation. At my request therefore he continues in it. The business has been open'd fully to this government but nothing has yet occurr'd to justify a satisfactory opinion of the result.

It is probable that it will be insisted on that French spoliations are provided for by our treaty with France: that W. Florida is no part of Louisiana & that an attempt will also be made to refer us generally to France for a demarkation of boundaries, and even

refuse to cede E. Florida. Their object probably will be to interpose the govt of France between them and us; but that govt will have too perfect a recollection of the stipulation of the treaty between the U States & it, & too much regard for its faith and interest to be drawn into such a dilemma. After declining all demarkn of boundaries in the cession wh is made to us of Louisiana, it is I think plain to be inferr'd from Mr Talleyrand's answer that the Emperor is not disposed to make himself a party to our differences with Spain: on the contrary that he wishes to promote an adjustment of them. Still it becomes us to do justice to the interests of our country, and the already pronounc'd views of our govt By pushing our own cause we shall have less occasion for the good offices of others, wh in a case of such delicacy to France as the present one between the U States & Spain it is painful to ask because it wod embarrass her to render them. In many views it may be proper that it be distinctly known at Paris, as it is here, that the business is not transferr'd to America & will not be; that the power to settle it definitely is vested here, & that on the report from this place of the result will the ulterior measures of our government be taken.

P. S. I have just recd dispatches from our govt by a special messenger Captn Dutton as late as the 3d wh are strong on the above and every pt already known to us.

TO JAMES MADISON.[1]

PARIS, July 6. 1805.

DEAR SIR,—Since my letter of the 30th ult. some facts have come to my knowledge which it may be of advantage to you to know. I have been told that Mr. Tallyrand has replied when pressed in the winter to aid the negotiation at Madrid, that it could not be expected of him as a project of a very different character countenanced by our agents meaning Mr. L. was before our govt. This fact is unquestionable as I have it from authority too direct and deserving of confidence, in every view to be doubted. Thus it appears by the clearest demonstration, that the failure of that negotiation is entirely owing to the misconduct of that individual. Many facts go to prove that the many acts of his misconduct while here, are not attributable to folly alone. I have heretofore thought him entitled to that apology: but I am far from thinking so at present: indeed there is much reason to suspect him of the grossest iniquity. I give you this hint to put you on your guard. Be assured that he will poison what he touches. His object is to obtain some appointment of the President, to Engld. if possible. Counting on it, he has proposed a change to Genl. Armstrong here, to get back to this place to pursue the same game that he has heretofore done. I shod. not be surprised if this govt. on seeing the stand made here & at Madrid, agnst the project submitted by him, to our govt., apprehending its failure,

[1] From *Bulletin of the New York Public Library*, Vol. IV., No. 2, February, 1900.

refuse to ... nt, had charged him, with some other will be to ... able, in the hope of better success. If he and ... in the least degree, into confidence, or if ... ven him, to infer that sacrifices wo^d be ... eace, or that our councils balance, and are ... he will communicate the same here. In ... the man of all others whom you sh^d avoid, ... deserving the execrations of his country. ... eas were never expressed before, because ... the facts, which inspire them were not ... ven when I wrote you last. I write you, in ... take advantage of a private conveyance to ... x. Genl Armstrong & myself have united in ... to Mr Pinckney for Mr Bowdoin to advise, ... decline treating with the gov^t of Spain, sho^d ... wers authorise it (w^h however we presume can- ... the case) till he hears from you, after the ... of the result of the negotiation at Madrid. I ... leave this on Wednesday next, by the way of ... werp, for London. The above is of course con- ... ntial, being intended only for the purpose of ... ting you on y^r guard.

TO THE SECRETARY OF STATE.

LONDON August 6th 1805.

SIR,—I left Madrid on the 26 of May & arrived here on the 23^d ult^o by the route of Paris & Holland. I reached Paris on the 20th June & left on the 17th of July. I should have remained there longer had I seen reasonable cause to presume that any advantage might have been derived from it in respect to our

business with Spain. But none such occurred, & of course there was no motive for delaying longer my journey here. The French govern[t] had been invited as I passed thro' Paris to aid our negotiation with Spain according to its engagement on a former occasion; it was apprized in the progress of what occurred in it, knew the time of its conclusion & that I should return thro' Paris, so that had it been disposed even in that state to interpose its good offices to promote an adjustment of our differences with that power, on such terms as we could accept, it might have done it with effect. I had flattered myself that it would have interposed at that period, & with a view to draw its attention in an especial manner to the object, had made such a communication to General Bournonville its ambassador at Madrid, as seemed most likely to secure it. Of this & all other documents relative to the subject a copy was sent you from Madrid by Cap[t] Dalton. It is proper to add that when I delivered that communication to General Bournonville which I did in person, I intimated to him verbally that as I should take Paris on my return, the opportunity for such friendly interference on the part of his government would again be presented to it: that I had a power to act singly & if a like one should be given to the Spanish Ambassador there, we might renew the business & conclude it. General Bournonville transmitted immediately this communication to his government then at Milan by a courier, so that it must have been received in a week after I left Madrid, & as I was more than three weeks on the route from

Madrid to Paris, the French government had sufficient time to make an arrangement for the purpose even before my arrival at Paris. While there I was attentive to every circumstance from which an inference could be drawn of the disposition of the French government on that head, & as I was frequently in society with some of the members of the government who were left behind, especially the arch-chancellor who is considered as its head in the absence of the Emperor, the opportunity to make a correct estimate was a very favorable one. But nothing occurred to authorise an inference that it intended to make me any proposition on the subject. On the contrary I had sufficient reason to believe that the French government still indulged the expectation that the proposition which M[r] Livingston had submitted to you before I set out from this country to Spain would finally be accepted.[1] As this fact had been avowed by the Minister of foreign affairs it could not be questioned. Having done everything in my power to expose the fallacy of this expectation in obedience to my instructions while at Paris in my way to Spain & in Spain I was surprised that the idea should still be entertained & the more so as Gen[l] Armstrong had equally labored to remove it.

[1] "While Spain wishes to limit us as much as possible [in the question of boundaries], France wishes to make our controversy favorable to her finances. Yesterday Marbois again spoke to me on the subject of purchasing the Floridas and giving sixty millions for them, and even pressed the matter very strongly upon me. You see by this which way the wind sets. The distresses of Spain make them fear that she will not be able to comply with her engagements, and the threatening war and internal expenses render the state of the Treasury here very precarious."—LIVINGSTON to MADISON, September 21, 1804.

Under these circumstances it seemed highly improper to present again any application to the French government for its aid in that business. It was sure to fail of success & therefore to be avoided. But that was not the only objection to it. It seemed likely by weakening the force of the part which had been taken at Madrid to diminish the good effect which we flattered ourselves might [have] reasonably been expected from it. It was even probable in relation to what had passed, that it might be considered as betraying a want of just sensibility to what was due to the character of our government & country, & lessen the effect of such measures as our government might think proper to adopt on a view of the result & whole proceedings at Madrid. On full consideration therefore of all circumstances I deemed it most consistent with the publick honor & interest, after waiting about three weeks at Paris & furnishing the opportunity & drawing the conclusion above stated of the disposition of the French gov[t] to interfere in a suitable manner in our business with Spain, to proceed on my journey here, without making any application for it, which I did accordingly.

I send you herewith [1] a copy of M[r] Livingston's let-

[1] "I transmit the note & your memoire &c. I could wish you had read my note before you had drawn yours as it would have enabled you to judge how far a renewal of the question while that remained unanswered was necessary & to avoid some repetitions; but I have left this to your judgment, tho' I should myself have preferred the ground I had taken & the working somewhat out of doors, now that the Court are assembling in town, to any precipitation here. As it is not probable that the instructions to Gen[l] Bournonville have been revoked, you would have had his aid by going immediately to Spain, whereas if they are now disinclined to press the matter tho' you may have a renewal of the assurances made to me on this subject, yet you may incite a revocation of his

ter to me of Novr 12 & of my answer of 13th which have reference to what occurred in that stage of this interesting concern at Paris. They were mentioned in mine to you of the 27th, but by accident not then forwarded.

Some days after my return here Mr Bowdoin arrived also. He has, I understand, explained to you fully the motives of this measure. In a political view I consider it a judicious one. Had he proceeded to Madrid from the port where he landed, he could not in the present state of affairs have been able to render any service in the great object depending with Spain, while his arrival there at that moment being attributed to improper motives might have done harm in the view which has been already explained. I shall avail myself of the opportunity it affords to give him all the light in my possession relative to our concerns with that power. I am persuaded that Mr Pinkney will hold the ground till his successor relieves him, tho' he is desirous of withdrawing from it. It is not yet decided whether it will be most advisable for Mr Erving to proceed to Madrid or wait with Mr Bowdoin further orders from you. Should he adopt the former

instructions or such a modification of them as may weaken their force. You know how little general promises mean. I send you an extract from Mr. Pinkneys letter to me of the 22d Jany by which you will see that I have been correct in telling you that Genl. Bournonville had instructions to aid your negociations agreeably to Mr Talleyrands assurances to me :—' Not hearing from Mr. Monroe I have commenced, so far as to say that I am ready to accept & have stated a volume of reasons why they should sell while they have it in their power to do so. The French Ambassador says he has instructions to support us in the attempt & thinks the moment it is certain that Spain cannot avoid war she will accept the offer etc.' I am, dear Sir, etc., etc.

"ROBT. R. LIVINGSTON."

course he will probably proceed thro' Paris to confer with Gen! Armstrong on the general subject, and ascertain whether any change has taken place in the disposition of the French government respecting it. When I left Paris I intimated to Gen! Armstrong, who was then in the country, by letter, that I should be willing while here to return to Holland on a suitable inducement to conclude the business. I did so not on a presumption that there was any prospect of such an event, but as a measure of precaution to be taken advantage of in case an opportunity offered.

While at Paris I received your letter of May 6th & since my return that of June 21st On the subject of the first I have to observe that under the discouraging circumstances in which we commenced the negotiation with Spain we thought it best to adhere as closely as possible to the convention of Aug! 11, 1802, which had at one time been approved by her government. We flattered ourselves that if that government could be induced to take a right course in the great points, it might be possible to prevail on it afterwards to accede to the modification suggested in the letter. We should have been attentive to the subject had the occasion favored. Our reason for not entering more fully into some points, & among others that mentioned in the extract of your letter to Gen! Armstrong of June 6th in our correspondence with M! Cevallos was explained in M! Pinkney's & my joint letter from Madrid. In addition to which it may be observed that much was said in conversation in reply

to his subsequent notes which the contents of the first had not permitted.

On the day of my return here one of our vessels the Enoch under circumstances precisely similar to those in the case of the Aurora was condemned by the Admiralty. Several others have since been brought in on the same principle whose cases are now before the court. I have taken the subject up in connection with the other topicks that are depending before I set out for Spain. I send you a copy of my letter to Lord Mulgrave & of his answer to it. I beg to assure you that I shall push this business with promptitude & decision to some result, to place before the President a correct view of the policy of this government towards the United States. I am with great respect & esteem y^r^ most ob^t^ & humble servant.

TO JOHN ARMSTRONG.[1]

LONDON, Augt 26. 1805

DEAR SIR,—This will be presented to you by the Mr Pringles two very respectable young men of S^o^ Carolina who have been studying the law here two years past. They visit the Continent, for the same purpose they did England, to acquire knowledge, & thereby enlarge the sphere of useful & honorable exertion, to which they mean to dedicate themselves on their return home. I make them known to you, that they may receive from you the protection & kind

[1] From *Bulletin of the New York Public Library*, Vol. IV., No. 2, February, 1900.

attention, which you will be happy to shew to the deserving citizens of our country.

Just as I arrived here several American vessels were brought in by the British cruisers, between 20. & 30., being such as were found in these seas, laden with the productions of the enemy's Island, destined to the ports of the parent country, altho' they had discharged their cargoes & paid the duties in the U States. It was not certain whether these vessels were bro^{t} in by orders from the gov^{t} or in consequence of a decree which was given in a similar case just before my arrival, which condemned a vessel thus circumstanced on the principle that the voyage was continuous & the landing and paying the duties in the U States fraudulent & evasive. I remonstrated immediately in the strongest terms agnst the proceeding; denied the right of this gov^{t} to interfere in any respect with such commerce, & added that the interference which had taken place in the manner & under the circumstances attending it was in my opinion incompatible with the friendly relations subsisting between the two powers. Two conferences resulted from my letters to Ld Mulgrave, but these have yet produced no agreement between us on the subject of them. He assured me that no orders had been issued by his government for the seizure of our vessels. I represented that the decree of the court had produc'd the same effect. In the last conference we urged with earnestness the pretensions of our respective governments, & were of course very remote from an accord. I asked whether I sho^{d} consider his doctrine as the answer of his gov^{t}

to my letters? He said that he had promised in the commencement that I shoᵈ not: that he woᵈ submit the whole subject to the cabinet & give me such an answer as he might be instructed to do. This occur'd seven days since, notwithstanding which I have not heard from him. He said that as the subject was a very important one to his country, & he was much engaged in other topicks he must take a longer time to answer it than under other circumstances woᵈ be necessary. To that I readily assented. It is probable that I shall hear from him in a few days. Since the discussion, it is certain that most of the vessels have been dismissed, several of them under circumstances on wʰ the first one was condemned. I shall write you again by Mʳ Erving, in the course of a few days on this and other subjects. My family desire their best regards to yours.

TO JOHN ARMSTRONG.[1]

LONDON Septʳ 2. 1805.

DEAR SIR,—Mʳ Erving will have the pleasure to present you this. He is, I believe, known to you and therefore requires nothing from me to secure him your kind attention, and, in relation to our public concerns, your confidence. His services here have made him acquainted with all those concerns on which you may desire any information. In respect to such as appertain to this Country, and that also which is the especial object of his present voyage, I beg to refer you to him

[1] From *Bulletin of the New York Public Library*, Vol. IV., No. 2, February, 1900.

for more full details than it is probable I shall be able to give you.

Mr Bowdoin arrived here a few days after me. Finding on his arrival at St: Ander that the negotiation with Spain was at an End, and that I had set out for this Country, he was induced by many considerations to repair here also. He saw that he should have nothing to do there in the existing posture of affairs: he was unwilling to take any step which might change in the public view only, the attitude which that result had assumed, and wished to confer with me on the subject of the late negotiation; in addition to which his health had been much impaired by the voyage from the United States, which made it important for him to take the aid of the Phisicians of this City. These considerations brought him here, and the latter will probably detain him some time longer. At present however his health is much improved & he is very desirous to place himself more in the way of his original destination. It has been a subject of much reflection on his and my part, whether he should change his position in any respect until he heard from our Government, which may be construed to have relations to Spain. The result is that he has decided to join you in Paris, as soon as his health will permit which there is reasonable cause to hope may be in two or three Weeks, to remain there until he hears from Mr Madison, and for Mr Erving to proceed to Madrid without delay to relieve Mr Pinckney. After our Governments act, especially if it should be in a particular mode, it will be more difficult for him to take that

step than at present, since then it might weaken the force of any measure which might be taken. And by his going to France at this time it is possible that a good effect may be produced with her Government, in regard to our concerns with Spain. What has passed may have proven that our Government is not about to make sacrifices to obtain a proper adjustment with that power, and losing sight of that object it is not unlikely that an act of conciliation towards the Government of France, as this must be deemed, may induce it to resume and seek to preserve its very amiable relation with us, by some stronger proof of its friendship than its conduct on the late occasion gave us. The increasing prospect of a general war which seems to be very menacing, may further promote this end, since whatever may be its fortune by land, it can not fail by the great superiority of her enemies at Sea to shut France up in her ports, and increase her dependence on us. We are however inclined to think that Mr Erving had better, on his arrival at Madrid, take his appointment on the nomination of Mr Pinckney, than that it should appear to be the act of the Government: or in case he adopts the latter course that it should be made to the government of Spain that his appointment preceded the conclusion of the negotiation, and that his present agency was at the instance of Mr Bowdoin to relieve Mr Pinckney, not from his Government from whom he had not heard since that event. On these topicks he will confer with you freely, and has the best disposition to pay respect to any opinion you may entertain, or advice you may be disposed to give.

Respecting the late seizure of our vessels here I

wrote you by the Mr Pringles of which letter I now inclose you a copy. Since then I have neither seen nor heard from Lord Mulgrave. Mr Erving will communicate to you what passed between him and Mr Hammond two days past upon the subject. It is probable that this Government may seek to avoid any further explanation or communication with me on it, to keep open the claim (for right it cannot be called) to revive the measure hereafter at pleasure. With that view and to get rid of the present pressure, it is also probable, that so many of the vessels have been dismissed without a trial, in the expectation that it would be satisfactory. But I am disposed to push the affair to positive result. It is important to the future harmony of the two countries that the Right of each party should be settled. France ought however to recollect that if Russia unites in the war, the United States will stand almost alone as the avengers of the rights of neutral nations: that with the strongest proof of the friendship of the French Government, this situation will be a difficult one, tho' well disposed to support those rights. Her conduct should therefore be positive and full in the discharge [of] their just Claims. Should any uncertainty or doubt remain on that point, and the late occurrence with respect to Spain, and the extent to which she seems disposed to push the restraint on the trade with St. Domingo could not fail to produce that effect, it must tend to paralize all our measures.

I have as you will observe been impeded in my design of immediately proceeding to the United States after my arrival here, by the seizure of our vessels

and the discussion incident to it. It is not improbable that I may sail yet in the course of the autumn, as I am very desirous to do. Mrs Monroe and our daughter unite with mine their best respects to Mrs Armstrong. I am, dear Sir, with great respect, yours.

TO LORD MULGRAVE.[1]

GREAT CUMBERLAND PLACE,
September 23d 1805.

MY LORD,—I flattered myself from what passed in our last interview that I should have been honored before this with an answer from your Lordship to my letters respecting the late seizure of American vessels. I understood it to be agreed that the discussion which then took place, should be considered as inofficial, as explanatory only of the ideas which we might respectively entertain on the subject, and that your Lordship would afterwards give me such a reply to my letters, respecting that measure, as his Majesty's government might desire to have communicated to the government of the United States. In consequence I have since waited with anxiety such a communication in the daily expectation of receiving it. It is far from being my desire to give your Lordship any trouble in this business which I can avoid, as the time which has since elapsed sufficiently shews. But the great importance of the subject, which has indeed

[1] We are indebted to the interest and courtesy of Mrs. James Lyons, Recording Secretary of the Association for the Preservation of Virginia Antiquities, for this and other valuable letters that had come into her hands from the effects of Wyatt Cardwell, the executor of John Randolph.

become more so, by the continuance of the same policy, and the frequency of seizures which are still made of American vessels, place me in a situation of peculiar responsibility. My government will expect of me correct information on this point in all its views, and I am very desirous of complying with its just expectation. I must therefore again request that your Lordship will be so good as to enable me to make such a representation to my government, of that measure, as his Majesty's government may think proper to give.

I am sorry to add that the longer I have reflected on the subject, the more confirmed I have been in the objections to the measure. If we examine it in reference to the law of nations, it appears to me to be repugnant to every principle of that law; if by the understanding, or as it may more properly be called the agreement of our governments, respecting the commerce in question, I consider it equally repugnant to the principles of that agreement. In both these views your Lordship will permit me to make some additional remarks on the subject.

By the law of nations as settled by the most approved writers no other restraint is acknowledged on the trade of neutral nations, with those at war, than that it be impartial between the latter; that it shall not extend to articles which are deemed contraband of war; nor to the transportation of persons in military service; nor to places actually blockaded or besieged. Every other commerce of a neutral with a belligerent, is considered a lawful commerce, and

every other restraint on it, to either of the belligerents by the other an unlawful restraint.

The list of contraband is well defined, as are also the circumstances which constitute a blockade. The best authorities have united in confining the first to such articles as are used in war, and are applicable to military purposes; and in requiring, to constitute the latter, the disposition of such a force, consisting of stationary ships, so near the port, by the power which attacks it, as to make it dangerous for the vessel of a neutral power to enter it. The late treaty between G. Britain and Russia designates these circumstances, as necessary to constitute a blockade, and it is believed that it was never viewed before in a light more favorable to the invading power.[1]

The vessels condemned were engaged in a commerce between the U. States and some port in Europe, or between those States and the West India or other Islands, belonging to an enemy of G. Britain. In the European voyage the cargo consisted of the productions of the colonies; in the voyage to the colony it consisted of the goods of the power to which the colony belonged to which the ship was destined. The ship and cargo in every case were the property of American citizens and the cargo had been landed and the duty paid on it in the U. States. It was decided that these voyages were continuous, and the vessels and cargoes were condemned on the principle that the commerce was illegal. I beg to refer especially in this statement to the case of the

[1] Treaty of June 17, 1801. British and Foreign State Papers, Vol. I., 405.

Essex, an appeal from the judgment of the Vice-Admiralty Court at New Providence, in which the Lords Commissioners of Appeals in confirming that judgment established this doctrine.[1]

It requires but a slight view of the subject to be satisfied that these condemnations are incompatible with the law of nations as above stated. None of the cases have involved a question of contraband, of blockade, or of any other kind that was ever contested till of late in favor of a belligerent against a neutral power. It is not on any principle that is applicable to any such case, that the measure can be defended. On what principle then is it supported by Great Britain? What is the nature and extent of her doctrine? What are the circumstances which recommend the arguments which support it? For information on these points we cannot refer to the well known writers on the law of nations; no illustration can be obtained from them of a doctrine which they never heard of. We must look for it to an authority, more modern; to one which however respectable for the learning and professional abilities of the judge who presides, is nevertheless one, which from many considerations, is not obligatory on other powers. In a report of the decisions of the Court of Admiralty of this Kingdom we find a notice of a series of orders issued by the government of different dates and imports which have regulated this business. The first of these bears date on the 6. of Nov. 1793; the second on the 8. of Jan. 1794; the third on the 25.

[1] Moore's *International Arbitrations*, Vol. V., 4447.

of Jan. 1798. Other orders have been issued since the commencement of the present war. It is these orders which have authorized the seizures that were made at different times in the course of the last war, and were lately made by British cruizers, of the vessels of the United States. They too form the law which has governed the courts in the decisions on the several cases which have arisen under those seizures. The first of these orders prohibits altogether every species of commerce between neutral countries and enemies colonies, and between neutral and other countries, in the productions of those colonies; the second and subsequent orders modify it in various forms. The doctrine however in every decision is the same; it is contended in each that the character and just extent of the principle is to be found in the first order, and that every departure from it since has been a relaxation of the principle, not claimed of right by neutral powers, but conceded in their favor gratuitously by Great Britain.

In support of these orders it is urged, that as the colonial trade is a system of monopoly to the parent country in time of peace, neutral powers have no right to participate in it in time of war, altho' they be permitted so to do by the parent country: that a belligerent has a right to interdict them from such a commerce. It is on this system of internal restraint, this regulation of colonial trade, by the powers having colonies, that a new principle of the law of nations is attempted to be founded. One which seeks to discriminate in respect to the commerce of neutral powers,

with a belligerent, between different parts of the territory of the same power, and likewise subverts many other principles of great importance, which have heretofore been held sacred among nations. It is believed that so important a superstructure was never raised on so slight a foundation. Permit me to ask, does it follow because the parent country monopolizes in peace the whole commerce of its colonies, that in war it should have no right to regulate it at all? That on the contrary it should be construed to transfer in equal extent, a right to its enemy, to the prejudice of the parent country of the colonies and of neutral powers? If this doctrine was sound it would certainly institute a new and singular mode of acquiring and losing rights; one which would be highly advantageous to one party while it was equally injurious to the other. To the colonies more especially it would prove peculiarly onerous and oppressive. It is known that they are essentially dependant for their existance on supplies from other countries, especially the United States of America, who being in their neighborhood have the means of furnishing them with greatest certainty and on the best terms. Is it not sufficient that they be subjected to that restraint in peace, when the evils attending it, by the occasional interference of the parent country may be and are frequently repaired? Is it consistent with justice or humanity that it should be converted into a principle, in favor of an enemy, inexorable of course, but otherwise without the means of listening to their complaints, not for their distress or oppression only, but for their extermi-

nation? But there are other insuperable objections to this doctrine. Are not the colonies of every country a part of its domain, and do they not continue to be so until they are severed from it by conquest? Is not the power to regulate commerce incident to the sovereignty and is it not co-extensive over the whole territory which any government possesses? Can one belligerent acquire any right to the territory of another, but by conquest? and can any rights which appertain thereto be otherwise defeated or curtailed in war? In whatever light therefore the subject is viewed it appears to me evident that this doctrine cannot be supported. No distinction founded in reason can be taken between the different parts of the territory of the same power to justify it. The separation of one portion from another, by the sea, gives lawfully to the belligerent which is superior on that element, a vast ascendancy in all the concerns on which the success of the war or the relative prosperity of their respective dominions may in any degree depend. It opens to such power ample means for its own aggrandizement and for the harassment and distress of its adversary. With these it should be satisfied. But neither can that circumstance nor can any of internal arrangement, which any power may adopt for the government of its dominions, be construed to give to its enemy any other advantage over it. They certainly do not justify the doctrine in question which asserts that the law of nations varies in its application to different portions of the territory of the same power: that it operates in one

mode in respect to one, and in another, or even not at all, in reference to another: that the rights of humanity, of neutral powers, and all other rights, are to sink before it.

It is further urged that neutral powers ought not to complain of this restraint because they stand under it, on the same ground, with respect to that commerce, which they held in time of peace. But this fact, if true, gives no support to the pretention. The claim involves a question of right, not of interest. If the neutral powers have a right in war to such commerce with the colonies of the enemies of Great Britain, as the parent states respectively allow, they ought not to be deprived of it by her, nor can its just claims be satisfied by any compromise of the kind alluded to. For this argument to have the weight which it is intended to give it, the commerce of the neutral powers with those colonies should be placed and preserved thro' the war, in the same state, as if it had not occurred. Great Britain should in respect to them take the place of the parent country and do every thing which the latter would have done had there been no war. To discharge that duty it would be necessary for her to establish such a police over the colony, as to be able to examine the circumstances attending it annually, to ascertain whether the crops were abundant, supplies from other quarters had failed, and eventually to decide whether under such circumstances the parent country would have opened the ports to neutral powers. But these offices cannot be performed by any power which is not in possession of the colony:

that can only be obtained by conquest; in which case the victor would of course have a right to regulate its trade as it thought fit.

It is also said that neutral powers have no right to profit of the advantages which are gained in war, by the arms of Great Britain. This argument has even less weight than the others. It does not in truth apply at all to the question. Neutral powers do not claim a right as already observed, to any commerce with the colonies which Great Britain may have conquered of her enemies, otherwise than on the conditions which she imposes. The point in question turns on the commerce which they are entitled to with the colonies which she has not conquered, but still remain subject to the dominion of the parent country. With such it is contended, for reasons that have been already given, that neutral powers have a right to enjoy all the advantages in trade which the parent country allows them: a right of which the mere circumstance of war cannot deprive them. If G. Britain has a right to prohibit that commerce it existed before the war began and of course before she had gained any advantage over her enemies. If it did not then exist it certainly does not at the present time. Rights of the kind in question cannot depend on the fortune of war or other contingencies. The law which regulates them is invariable untill it be changed by the competent authority. It forms a rule equally between belligerent powers, and between neutral and belligerent which is dictated by reason and sanctioned by the usage and consent of nations.

of commerce between two powers, which affect their internal concerns, and depend of course on the internal regulations of each. When these latter are arranged by treaty, the rights which accrue to each party under it, in the interior of the other, cease when the treaty expires. Each has a right afterwards to decide for itself in what manner that concern shall be regulated in future, and that decision to consult solely its interest. But the present topick is of a very different character. It involves no question of commerce or other intern[illegible]ncern between the two nations. It respects the c[illegible]nerce only which either may have with the enemies of the other, in time of war. It involves therefore [illegible]nly a question of right under the law of nations wh[illegible]ch in its nature cannot fluctuate. It is proper to [illegible]ld that the conclusion above mentioned, was further supported by the important fact that untill the late decree in the case of the Essex, not one American vessel engaged in this commerce had been condemned on this doctrine; that several which were met in the channel, by the British cruizers, were permitted, after an examination of their papers, to pursue their voyage. This circumstance justified the opinion that that commerce was deemed a lawful one by Great-Britain.

There is other ground on which the late seizures and condemnations are considered as highly objectionable and to furnish just cause of complaint to the U. States. Untill the final report of the commissioners under the 7. art: of the treaty of 1794, which was not made 'till last year, it is admitted that their abitrament

order of the 6. of Novem. 1793. some hundreds of American vessels were seized, carried into port and condemned. Those seizures and condemnations became the subject of an immediate negotiation between the two nations, which terminated in a treaty, by which it was agreed to submit the whole subject to commissioners, who should be invested with full power, to settle the controversy which had thus arisen. That stipulation was carried into complete effect; commissioners were appointed who examined laboriously and fully, all the cases of condemnation which had taken place, and finally decided on the same, in which decisions they condemned the principle of the order and awarded compensation to those who had suffered under it. Those awards have been since fairly and honorably discharged by G. Britain. It merits particular attention that a part of the 12. art. of that treaty referred expressly to the point in question, and that it was on the solemn deliberation of each government, by their mutual consent, expunged from it. It seems therefore to be impossible to consider that transaction, under all the circumstances attending it, in any other light than as a fair and amicable adjustment of the question between the parties; one which authorized the just expectation that it would never have become again a cause of complaint between them. The sense of both was expressed on it in a manner too marked and explicit to admit of a different conclusion. The subject too was of a nature that when once settled ought to be considered as settled forever. It is not like questions

of commerce between two powers, which affect their internal concerns, and depend of course on the internal regulations of each. When these latter are arranged by treaty, the rights which accrue to each party under it, in the interior of the other, cease when the treaty expires. Each has a right afterwards to decide for itself in what manner that concern shall be regulated in future, and in that decision to consult solely its interest. But the present topick is of a very different character. It involves no question of commerce or other internal concern between the two nations. It respects the commerce only which either may have with the enemies of the other, in time of war. It involves therefore only a question of right under the law of nations which in its nature cannot fluctuate. It is proper to add that the conclusion above mentioned, was further supported by the important fact that untill the late decree in the case of the Essex, not one American vessel engaged in this commerce had been condemned on this doctrine; that several which were met in the channel, by the British cruizers, were permitted, after an examination of their papers, to pursue their voyage. This circumstance justified the opinion that that commerce was deemed a lawful one by Great-Britain.

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was not obligatory on the parties in the sense in which it is now contended to be. Every intermediate declaration however by G. Britain of her sense on the subject must be considered as binding on her, as it laid the foundation of commercial enterprizes which were tho't to be secure while within that limit. Your Lordship will permit me to refer you to several examples of this kind, which were equally formal and official, in which the sense of his Majesty's government was declared very differently from what it has been in the late condemnations. In Robinson's reports vol: 2. pa: 368. case the Polly, Laskey master, it seems to have been clearly established by the learned Judge of the court of admiralty that an American has a right to import the produce of an enemy's colony into the U. States and to send it on afterwards to the general commerce of Europe; that the landing the goods and paying the duties in the U. States should preclude all further questions relative to the voyage. The terms "for his own use" which are to be found in the report, are obviously intended to assert the claim only that the property shall be American and not that of an enemy; by admitting the right to send on the produce afterwards to the general commerce of Europe, it is not possible that those terms should convey any other idea. A *bona fide* importation is also held by the Judge to be satisfied by the landing of the goods and paying the duties. This therefore is I think the true import of that decision. The doctrine is again laid down in still more explicit terms by the government itself in a

correspondence between Lord Hawkesbury and my predecessor Mr. King. The case was precisely similar to those which have been lately before the court. Mr. King complained in a letter of March 18, 1801, that the cargo of an American vessel, going from the United States to a Spanish colony had been condemned by the Vice-admiralty court of Nassau, on the ground that it was of the growth of Spain, which decision he contended was contrary to the laws of nations, and requested that suitable instructions might be dispatched to the proper officers in the West Indies to prevent like abuses in the future. Lord Hawkesbury in a reply of April 11, communicated the report of the King's-Advocate-General in which it is expressly stated that the produce of an enemy may be imported by a neutral into his own country and re-exported thence to the mother country; and in like manner, in that circuitous mode, that the produce or manufactures of the mother country might find their way to its colonies; that the landing the goods and paying the duties in the neutral country broke the continuity of the voyage and legalized the trade, altho' the goods were reshipped in the same vessel on account of the same neutral proprietors and forwarded for sale to the mother country of the colony. It merits attention in this report (so clearly and positively is the doctrine laid down that the landing the goods and paying the duties in the neutral country broke the continuity of the voyage) that it is stated as a doubtful point whether the mere touching in the neutral country to obtain fresh clearances will

be considered in the light of the direct trade; that no positive inhibition is insisted on any but the direct trade between the mother country and the colonies. This doctrine in the light herein stated is also to be found in the treaty between G. Britain and Russia, June 17. 1801. By the 2. Sect: of the 3. art: the commerce of neutrals in the productions or manufactures of the enemies of G. Britain, which have become the property of the neutral is declared to be free; that sect. was afterwards explained by a declaratory article of Oct. 20. of the same year, by which it is agreed that it shall not be understood to authorize neutrals to carry the produce or merchandize of an enemy either directly from the colonies to the parent country, or from the parent country to the colonies. In other respects the commerce was left on the footing on which it was placed by that sect:, perfectly free, except in the direct trade between the colony and the parent country. It is worthy of remark that, as by the reference made in the explanatory article of the treaty with Russia, to the U. States of America, it was supposed that those States and Russia, Denmark and Sweden, had a common interest in neutral questions, so it was obviously intended, from the similarity of sentiment which is observable between that treaty as amended, and the report of the Advocate-General above mentioned, to place all the parties on the same footing. After these acts of the British government, which being official were made publick, it was not to be expected that any greater restraint would have been contemplated by it, on that com-

merce, than they impose: that an enquiry would ever have been made, not whether the property with which an American vessel was charged belonged to a citizen of the U. States, or an enemy, but whether it belonged to this or that American: an enquiry which imposes a condition which it is believed that no independant nation having a just sense of what it owes to its rights or its honor can ever comply with. Much less was it to be expected that such a restraint would have been thought of after the report of the commissioners above adverted to, which seemed to have placed the rights of the U. States incontestably on a much more liberal, and it is contended, just footing.

It is proper to add that the decree of the Lords Commissioners of Appeal in the case of the Essex, produced the same effect as an order from the government would have done. Prior to that decree, from the commencement of the war, the commerce in question was pursued by the citizens of the U. States, as has been already observed, without molestation. It is presumable that 'till then his Majesty's cruizers were induced to forebear a seizure, by the same considerations which induced the American citizens to engage in the commerce, a belief that it was a lawful one. The facts above mentioned were equally before both parties, and it is not surprizing that they should have drawn the same conclusion from them. That decree however opened a new scene. It certainly gave a signal to the cruizers to commence the seizure which they have not failed to do, as has been

sufficiently felt by the citizens of the U. States who have suffered under it. According to the information which has been given me about 50 vessels have been brought into the ports of Great Britain in consequence of it, and there is reason to believe that the same system is pursued in the West Indies and elsewhere. The measure is the more to be complained of, because G. Britain had in permitting the commerce for two years given a sanction to it by her conduct, and nothing had occured to create a suspicion that her sentiments varied from her conduct. Had that been the case or had she been disposed to change her conduct in that respect towards the U. States, it might reasonably have been expected that some intimation would have been given of it, before the measure was carried into effect. Between powers who are equally desirous of preserving the relations of friendship with each other, notice might in all such cases be expected. But in the present case the obligation to give it seemed to be peculiarly strong. The existence of a negotiation which had been sought on the part of the U. States, some considerable time before my departure for Spain, for the express purpose of adjusting amicably and fairly all such questions between the two nations, and postponed on that occasion to accommodate the views of his Majesty's government, furnished a suitable opportunity for such an intimation, while it could not otherwise than increase the claim to it.

In this communication I have made no comment on the difference which is observable in the import of the

several orders which have regulated, at different times, the seizure of neutral vessels, some of which were more moderate than others. It is proper, however, to remark here that those which were issued, or even that any had been issued since the commencement of the present war, were circumstances not known 'till very lately. On principle it is acknowledged, that they are to be viewed in the same light, and it has been my object to examine them by that standard without going into detail or remarking the shades of difference between them. I have made the examination with that freedom and candor which belongs to a subject of very high importance to the U. States; the result of which has been as I presume, to prove that all the orders are repugnant to the law of nations and that the late condemnations which have renewed the pretention on the part of G. Britain are not only repugnant to that law, but to the understanding which it was supposed had taken place between the two powers respecting the commerce in question.

I cannot conclude this note without adverting to the other topicks depending between our governments which it is also much wished to adjust at this time. These are well known to your Lordship, and it is therefore unnecessary to add anything on them at present. With a view to perpetuate the friendship of the two nations no unnecessary cause of collision should be left open. Those adverted to are believed to be of this kind, such as the case of boundary, the impressment of seamen &c., since it is presumed that

there can be no real conflicting interest between them on those points. The general commercial relation may then be adjusted or postponed as may be most consistent with the views of his Majesty's government. On that point also it is believed that it will not be difficult to make such an arrangement as, by giving sufficient scope, to the resources, to the industry and the enterprize of the people of both countries, may prove highly and reciprocally advantageous to them. In the topick of impressment however the motive is more urgent. In that line the rights of the United-States have been so long trampled under foot and the feelings of humanity in respect to the sufferers, and the honor of their government, even in their own ports, so often outraged, that the astonished world may begin to doubt, whether the patience with which those injuries have been borne ought to be attributed to generous or unworthy motives: whether the U. States merit the rank to which in other respects they are justly entitled among independant powers, or have already in the very morn of their political career lost their energy and become degenerate. The United States are not insensible that their conduct has exposed them to such suspicions, tho' they well know that they have not merited them. They are aware from the similarity in the person, in the manners, and above all the identity of the language which is common to the people of both nations, that the subject is a difficult one; they are equally aware that to G. Britain also it is a delicate one, and they have been willing in seeking an arrangement of this important

interest, to give a proof by the mode, of their very sincere desire to cherish the relations of friendship with her. I have only to add that I shall be happy to meet your Lordship on these points as soon as you can make it convenient to you. I have the honor to be with high consideration Your Lordship's

most obedient servant.

TO THOMAS JEFFERSON.

LONDON Sepr 26, 1805.

DEAR SIR,—Altho' it is not yet decided whether I shall sail this fall or not to the U States, as I most earnestly wish to do, yet I cannot neglect the opportunity by Col. Mercer, to add something to you which it is possible may not be in my other letters. It was my intention as I intimated by Captn Dalton, to sail immediately after my arrival here, & nothing wo^{d} have prevented it but the seizure of our vessels by the British Cruizers, which seemed by many causes to impose on me the necessity of remonstrating in the most decisive manner against the procedure. I presumed that you wo^{d} approve of my return as you had long known it was my intention so to do as soon as the business of Madrid was ended, & I was persuaded that the manner of the conclusion, & opportunity I had of seeing & knowing the state of things with the three powers, might be a motive why you wo^{d} wish it. By waiting to this time I hoped to have heard something from our friend Mr Madison on the subject,

but I have no letter from him founded on the communications from Madrid. A short one of June 21 enclosing a copy of an extract of one to General Armstrong of June 6th is the only one that I have recd from him of so late a date. Thus I am utterly at a loss as to the wishes of the govt on the subject. In Mr Madison's letter of June 21 he refers to one of May 23d which has never come to hand; perhaps that or others which may have miscarried wod throw light on this point and also on the eventual policy of our govt in case the negotiation failed at Madrid: or what is perhaps more probable the confident expectation that I shod do what I could in France as I returned, & here after my return, in our concerns with each power & most certainly proceed without delay home afterwards, has prevented his writing me fully on any of these points. If this has been the case the *seizure* here & discussion incident to it, has been unfortunate in that as in other views. I was decided at once to push the business here in a manner to let the govt see that we were not afraid of it. I know they cannot bear a controversy with us; and am satisfied that they must in all such cases give ground, when reduced to the necessity of doing it. I saw in the first interview that it was wished to manage the business in the way of conversation, friendly professions &ca, and thus get rid of it. They dread much such a discussion getting into our papers because they know that a great majority of the commercial people here are against them, & that the nation wod be; a circumstance the opposition wod seize

with avidity. I have another motive for decision. Our affrs were in a measure wound up with our other friends, on the continent, so that I thought it proper to make an experiment in the mode the seizure invited of what was to be expected from them, so at least as to give our government a fair alternative between them or at least to present facts in their naked & distinct form with each. The result so far has been favorable. The ct has certainly changed its tone from criticising strictly circumstances that were called "fraudulent" "evasive" to a substitution of others, of a nature to justify acquitals. I have no reply to my last note, tho' I have no doubt it will produce a good effect. It is obvious to me that King's letter[1] was used with Russia &ca to obtain an abandonment of the principle that "free ships make free goods"— it is the more ungenerous in these people to strive to take from us the consideration which was understood to be given in return. The result of the whole business with each power, is very impressive with me, that we shall get nothing from any but by force, but that with a suitable pressure, which however must be unequivocal & decisive, especially in extreme cases as is this with Spain, we may succeed in what is right with any of them. With France our business had fallen into a wretched state. By the treaty of Louisiana our affrs there was placed on high ground & it was easy to have preserved it. But it required firmness of character, a spirit of independence, &ca. Had these been displayed the business with Spain

[1] State Papers, ii., 490.

wo^{d} have been an aff^{r} of a few weeks. The effort afterwards made told them that we had some character, wo^{d} not be made use of &ca, & in my opinion the ultimate course which that gov^{t} will take will depend on that which our gov^{t} does. If it sees our proceedings marked with doubt, or are taken merely to excite apprehension, it will become more decisive, & resist us. I sho^{d} not be surprised if no decisive measure is taken, to see them all unite at the end of the war, in a system against us, carried to the greatest extent. But if we shew tone I think it will invite each, especially if the war continues, to make advances to us. I have written you in great haste & without the least reserve, for with the welfare and prosperity of our country, I most sincerely wish your own & that of our friend Mr Madison. I know the course is hasardous, but hasard is on both sides, & in all doubtful cases a bold and manly council ought to be preferr'd. It rallies the nation round us; keeps up its spirits; & proves at home & abroad that republicanism is not incompatible with decision. Sho^{d} future events be unpropitious, and the present course be founded in the hope of a change in the policy of Spain, looking to that for reparation of injuries insults &c, the effect will be felt on the principles of our gov^{t} as well as on the character of those who administer it. Yrujo is a spy, an implacable enemy &c. I hope that no communication is held with him. When I inform you that the French Ambassador in a formal audience 18 months since demanded of the King of Spain the dismission of the Prince of Peace from his council,

& that the latter preserved his place by distributing a few hundred thousand of his master's dollars at Paris, you will know how to respect the insect with us: & what an ill effect listening to or communicating with him, after his recall was demanded will have everywhere. This letter is as you will perceive not only private but in confidence only to you and Mr Madison. Col. Mercer will have the pleasure to see you. He is an enlightened virtuous citizen; well informed in our affrs, and I am satisfied that you will derive much useful information from him.

I send you a letter from Cary & one or two other packets. I shall decide in a few days whether I sail or not this fall. I have not seen Gamble, but shall pay him attention when I do. My best regards to Mr Madison. with great sincerity I am yr friend & servant

TO THOMAS JEFFERSON.

LONDON Octr 6 1805.

DEAR SIR,— I wrote you lately by Col: Mercer, by whom I intended to have forwarded Carey's letter respecting the documents which you had committed to him relative to the war in our Southern States. By accident it was left behind, but is now forwarded. I hope the sum which he states to be necessary to redeem the papers will be made up & furnished him. In that case the person to whom it is intrusted here ought to be instructed to see not only that it is applied to the proper object, but produces its effect. I

have no doubt that what he states is true. I will most cheerfully be among the subscribers & do anything else, while I remain, in my power. In my letters to Mr Madison from Spain, I took the liberty to mention that I shod sail for the U States, soon after my arrival here; and I most certainly shod have done so, had I not been detained by the late seizure of our vessels by this government, as you have seen by my publick letters, and that which I wrote you by Col: Mercer. I conclude by my not hearing from Mr Madison that I am expected home, which increases my desire to set out. But independant of the season, which furnishes a private motive with my family, there are also publick ones against it. It does not appear to me to be a perfectly safe step to leave the business with this government in the present unsettled state. Should it pursue a course of hostility towards us, the policy might be attributed to that cause. It might even attribute to my departure the failure of an adjustment at this time. These wod be slight pretexts it is true, but yet with the colouring they wod have from their partizans among us, they might impose on some. The consideration that it is probable that our govt will act on this subject, in such a manner, as to lay the foundation for new communications with this, which may require the agency of a person already in some measure acquainted with it, has more weight on my mind. The publick interest might be, in some degree exposed to injury, in such an event, in case I shod withdraw. With respect to our concerns on the Continent I am not aware that it would produce any

material effect. The agency in those, will I presume be given to Gen! Armstrong & Mr Bowdoin, with the gov^ts^ where they respectively are. There is only one case in which my presence here could be material, which looks to an object of a character different from that which marks the present relations between the two powers. This I think an improbable case, & therefore not entitled to much weight. Still on a view of all circumstances I feel that there is some hazard, and of course much responsibility attending my departure at this time, leaving my country without a representative of its highest grade. I am therefore rather inclined to think it best to keep my ground for the winter & to adopt that course, altho' it will accumulate additional debt on me, and is otherwise inconsistent with my own & the views & interests of my family. It may be well that my successor be appointed during the present Session, so as to make him arrive early in the Spring, provided it is deemed material that I be here on his arrival. Tho' I hope that you will have no objection to my sailing at any time when the state of things here permits, & a favorable opportunity offers. By this I do not mean to imply that a few months sooner or later in the Spring will be any object with me. Certainly a delay for such a term will most readily be acceded to if the publick interest requires it.

It is easy to understand the conduct of this gov^t^, or rather its policy, in regard to us since the commencement of this war. It evaded an adjustment, on light pretexts, toward the time of my departure for Spain

especially, & suffered our commerce to pass free to keep us quiet, till it sho[d] form a coalition with Prussia & Sweden. Had she stir'd the question at that time it might have interfer'd with that project. She now moves it, because she thinks those powers are so completely embarked in the war against France, that they cannot attend to this object; much less give us any aid in it. The correspondence between M[r] King & L[d] H. and the treaty with Prussia, Sweden & Denmark, merit in many respects particular attention. On the part of this country they form but one transaction, as they breathe but one sentiment. M[r] King's note does not, as yours to M[r] Morris did, and as mine to M[r] De La Croix afterwards did, give countenance to the principle that free ships make free goods, and insist that it is preferable on many important considerations to neutral nations, and especially to the U. States, as a rule: on the contrary it disdains it as a modern gloss, and affirms that the oppoposite principle furnishes a much more certain & otherwise better rule, between neutrals and belligerents. That such a correspondence might have been turned to acc[t] by G. Britain, in her negotiation with Prussia at that time, cannot be doubted; nor can it be that she gained from it everything in her power. Besides many circumstances satisfy me that she did profit of it, independant of those which appear on the face of the transaction; a material one is that L[d] Mulgrave in explaining the cause of the reference in the declaratory article, to the U. States, said that Prussia insisted on it, because she knew that negotiations

were depending at the time here, between the U States & G. Britain on the subject. The anxiety of Prussia to be placed on the favorable footing of the U States was doubtless excited by the zeal shewn by Mr King, as expressed in his note, to push the interests of neutral powers, which had been so much injured in the course of the war. Thus I am persuaded that G. Britain made use of our concession in the question of free ships making free goods to obtain the abandonment of it by the northern powers; and now that those powers are embarked in the war against France, and can give little support to us in the depending question, that she seized the moment with intention to push it to the greatest possible extent against us. By placing Prussia on the ground of the U. States, she might hereafter contend with some plausibility, that any concession which was obtained of us, or even tolerated by us, was binding also on the northern powers. I am not disposed to carry my suspicions of a policy so refined on the part of this government, as to merit the character of chicane, but I cannot avoid observing in the report of the advocate sent to Mr King by Ld H. the circumstance that it is stated, that the doctrine which he lays down in favor of neutrals, had been settled by the ct of Admiralty *only*, tho' he has no cause to suspect that it will not be approved by the court of appeals. The fact is that the late decision in the case of the Essex was made by that court. Is it presumable that the affair has been so managed with a view to set up a flimsy pretext in defense of the measure? The corre-

spondence by L.d H. with M.r King was the act of the government, and binding on it; it formed a kind of engagement in which the considerations were reciprocal; can it be pretended that the court of appeals has a right to controul the gov.t, a court of policy consisting of some of the members of the Cabinet? It seems singular that the measure sho.d have been ushered forth thro' that channel by mere accident. If the whole was contrived, I can hardly think it probable, now that they must see that the scheme is understood & will be exposed, that this gov.t will avow it. If our concession was likely to be made subservient to the interest of G. B. with the northern powers, at a time when our example could not fail to produce a considerable effect, the opportunity was a favorable one to settle by treaty, the consideration which is supposed to have been given for it. I think this gov.t is bound by the act in its present form, but no door for evasion sho.d have been left open. The affair stands on ground less solid than it w.d have stood under a treaty; and it cannot be doubted, at that time, that it would have been as easy to have settled it by treaty as by correspondence. Admitting that nothing more could be then obtained than was, it is much to be regretted that M.r King suffered himself to be so far overreached in that transaction by this government. Unfortunately a temporary palliation was obtained only, as appears by its present conduct, in a case where a permanent provision is indispensible, especially as there was no cause to presume that any but the most formal act wo.d be

respected. This is I think a fair and candid comment on that transaction which I make to place it in its true light. It is not unlikely, that it may be brought into view for party purposes & exhibited in a very different one. I consider the whole affair; that is, Mr Kings letter Ld H's answer, the report &ca, as having been arranged in matter & form between them, or rather between the former & Mr H., and as I am convinced the object on the part of this govt was to use it with Prussia, by pressing on her the example of America, it is to be seriously regretted that so little precaution was taken to secure the consideration which we were to receive, in return for the emphatick manner in which a great principle was conceded or rather scouted. The abandonment of that principle by Prussia is likely to produce the most serious consequences in the one now depending, and every other of a maritime nature, in respect to neutral rights. While she adhered to it, she covered the present and every other one. It was a broader ground in which Prussia might have some interest, and she was bound by her honor to adhere to an existing positive engagement. In the present one she may probably have no interest whatever & the reigning sovereign having consented to forsake the example of his predecessors in the great principle may become indifferent to inferior ones. I am convinced that it was the serious determination of this govt to push its pretentions against us, by means of judicial constructions, to the greatest possible extent. Ld Mulgrave sustained in conversation the principle exemplified in the order

of Novr 6th, & seemed to press with decision the resolution of the Cabinet to confine our importation to the home consumption. I pressed with great earnestness and decision, the complete right of the U. States as illustrated in my official letter to Mr Madison by that to Ld M., to such commerce, uninterrupted by G. B., as the parent country might permit. I saw that, as the measure was intended as an experiment on our gov^t & country, so the doctrine held by him was equally intended as one on me, and I was prepared for it. I exposed the unfairness of the proceeding under the circumstances of an existing negotiation &c^a Against that imputation he defended himself by saying that no orders had been issued; to which I replied that I co^d not discriminate between an order and a decree. His conduct was personally civil and his reputation is that of a worthy man, of good talents. I hinted in a manner to be understood, that they must treat us as a power & shew us all the respect, in every point of contact or species of intercourse, that they claim of us: that we knew our rights & sho^d maintain them. As I considered the attack on us in the light I have represented it, in effect as an act of hostility, and knew how idle it was to proceed as I had done before I went to Spain, since conciliation under existing circumstances could lead to nothing but sacrifice, I thought it incumbent on me to take a shorter course, and adapt the tone of my notes to that of the measure they complained of. In our first interview he assured me, in speaking on the general topicks depending between the two countries,

that every accommodation sho^d be given us which the principles of the gov^t permitted, adminstratively; and that in those cases where it could not thus be given, he hoped we sho^d meet in a spirit of mutual accommodation. I assured him that such was my disposition & that of my gov^t as had been evident by my conduct before I went to Spain. Much was said on both sides of the advantage to each nation from a friendly intercourse, and of the interest in other respects which they had in making it perpetual. In the second interview, after I had read the reports of the King's advocate & *Proctor* & replied that they gave no satisfaction on the great point in question, when we came seriously to discuss the measure, the tone changed as I have already stated. It is certain that the business has been checked, as well in the court as on the sea. But few seizures are now made comparatively, and none of our vessels are condemned when it can be avoided. One material fact however lately occurred which it is proper to note. The day before the court of Admiralty adjourned, ab^t the last of Sep^r, a new principle was avowed, of greater extent than that complained of. A vessel sailing from Holland for Canton charged with a cargo of ab^t 30.000 dol^rs in goods, & 70.000 in specie was before it. The judge held up the case, & with it the cargo, for proof whether the Batavian gov^t permitted that trade in peace. It was well known that it did not, & the condemnation at the next term was expected of course.[1]

[1] Note by Monroe in original manuscript :—" I have since heard that the trade was permitted in peace."

The next morning the agent for the captors proposed to the agent for the prize an accommodation, by offering to give up the cargo &c.ª to him, on his paying charges ab.t £400., which was of course accepted. It was understood that this accommodation was offered & made at the instance of S.r John Nicoll the Kings advocate, who I am told hinted that he would quiet the captors, this not being a proper time to push the business. It is said that 10 or 12 other of our vessels engaged in that trade are daily expected back from Canton, & many suspect that this was a manœvre to entrap them. It is a fact that my last letter to L.d M. of the 23. ulto., was not delivered to him till the 25.th or 26.th, as he was at Weymouth when it was sent in & did not return till then. It is affirmed by some who attended the court, that on the night of the 27.th, the day on which the decision was given, the Judge had an interview with Messrs Pitt & Mulgrave, whence there is cause to infer that the accommodation may be traced to that source. I give you these details that you may see precisely how the business stands, according to my view of it, and the pivot on which it turns. No answer is given me and I think it probable that none is intended to be given, if to be avoided. A delay may be desirable to see how the war succeeds on the Continent, and what the effect of the measure may be in the U States. It may even be hoped to disgust me by their silence & betray me into some act of intemperance, which they might take advantage of. I am convinc'd that they wo.d prefer treating the subject by conference. But what end would that

answer? It has been often tried without effect, and nothing is more true than that no accommodation will ever be granted us, in any respect, in the great interests depending, which they can avoid. They will not be the dupes of cajoling; they will yield nothing which their interest does not prompt, and the appeal to that strong motive is better made by an official correspondence, which is preserved, may be published, and by getting into their own papers & exposing the injustice of their conduct, become a ground of attack on the ministry by the opposition. I have had communication on this subject lately, with the minister of Sweden. He observed that so important a subject had never made less noise. The remark was just; I believe the ministry have kept it to themselves. This proves that they do not want the affair to become publick one of the motives of which may be, that they fear it wo[d] alarm Prussia & the other northern powers, & weaken their coalition, bring from those powers remonstances against their pretentions. He understands the affair and will give a hint of it to his court so as to put it on its guard: The Russian cannot be trusted. He wo[d] communicate this court what I told him,—and not to his own;—the Dane is sound but indiscreet.

24th Oct[r]—I had thrown together the above in haste for an opportunity which I lost. A few days after its date, pursuing the idea of sailing if possible for the U States this fall, I took the step communicated in my official letter to M[r] Madison, for the reasons therein stated. I have rec[d] nothing from L[d] M.

since mine to Mr Madison. Captn Tomkins will not sail till Feby., and I hear of no opportunity, in a tolerable vessel, till after Christmas. By remaining here for the present, this gov^t^ will be deprived of any pretext for declining an arrangem^t^ of our aff^rs^, & an opportunity will be offered to profit of the disposition at home, shewn by our gov^t^ & people and occurrences on the Continent. Had I any knowledge of your wishes in this respect I sho^d^ instantly comply with them; that is did I know that you wished me to come home, I wo^d^ do it by the first good vessel. But having no idea of what you desire I have been altogether at a loss what to do. The first part of this letter shews the reasons which occurred to me then in favor of staying. Mr Bowdoin left this for France ab^t^ the 15th. On a full consideration of all circumstances it appeared to be the wisest course he could take. I have impressed on him the necessity of harmony with Genl Armstrong, & have taken the liberty to urge the same idea in a letter to the General; tho' I have full confidence that nothing is to be apprehended on that score. I found Mr Bowdoin a very well informed & most excellent American. I think the appointment a very judicious & fortunate one. He has perfectly re covered his health, & together they may be of great use to each other in consultations on our aff^rs^ on the Continent. I hope that the business with Spain may be adjusted on advantageous terms during the winter. France finding that no money is to be got, that she is pressed by a new coalition, & we discussing an important question with England, may push our

adjustment with Spain to leave us free to pursue the other object.

Intelligence is just rec^{d} that the French have gain'd an important advantage over the Austrians on the Danube. The papers which accompany this give the details.

17th Novr 1805. Having lost the opportunities that were relied on in the early part of this letter, & several passages having become inapplicable by a change of circumstances, I laid it aside & substituted what I hope you will receive in one of the 1st ins^{t}. Looking it over since I have thought it might be well to send it to you. There is no predicting what course our aff^{rs} may ultimately take here, especially if Prussia becomes a party to the war, on the side of the allies, or what misrepresentations may be made of a certain correspondence alluded to in it, by certain partizans. It is therefore proper to put in y^{r} possession, in confidence, any ideas which may tend to illustrate it. It forms no part of that gentleman's character to have written a note in such a line to this gov^{t} without shewing it beforehand, which argues a firm agreement between the parties. Hence it is the more unjust in this gov^{t} to have withdrawn the consideration given for our concession after turning it to the acc^{t} it was capable of with Prussia &c^{a}. The moment was critical to this country; a northern confederacy was formed against it, on the principles of the armed neutrality in 1780.: the example of America on the great & important feature in it, in favor of the pretensions of this gov^{t}, was an object of the highest

consideration to it. The correspondence bears date ab^{t} three months before the treaty; they agree in purport, &c^{a} I state these things to shew our claim on this country, not to censure our agent in the transaction, but to place it in respect to him, in its true light, which altho' it may not be censurable, yet it may not be thought when all the circumstances are seen, deserving much praise. I am far from wishing to disturb the repose of any of those gentlemen with whom I differ in political sentiment nor have I ever done it. It may be useful however & is certainly proper to be in a situation to defend ourselves against unjust attacks, sho^{d} they be made. The passage referring to the period of my departure, you will consider in connection with mine to you of Novr 1st & those which I have written to Mr Madison on the subject. Mr Carey's letter is enclosed in a late one to Mr Madison. My daughter having been much indisposed of late the physician has advised taking her to Cheltenham, which we propose doing in a few days. I leave Mr Purviance in town & shall keep an appartment to which I shall repair occasionally, being always ready to come when necessary which I shall be duly notified by him. I am dear Sir with great respect & esteem your friend & servt.[1]

[1] Extracts from letter of Nov. 1st, 1805. Remainder of letter practically a duplicate of letter of October 6th, 1805. — "By this opportunity I shall send several pamphlets entitled "war in disguise" which are believed to have been written under the auspices of those in power. It is not doubted that the disposition exists to push measures with us to the full extent of the doctrines contained in that work, if circumstances favor. Their jealousy of us in every subsisting relation is as great as it can be. On the former invasion of Holland

TO THE SECRETARY OF STATE.[1]

LONDON October 18. 1805.

SIR,—I sent you lately by Col. Mercer my note to Lord Mulgrave relative to the late seizure of our vessels, in which I thought proper to advert, at the

a similar publication was made, which was suppressed on the failure of the expedition."

"It is evident that we have no sincere friends anywhere: that all the powers with whom we have the most immediate relations are jealous of us, by some motives which are common to all. The relation which we bear to their colonies excites that sentiment in a peculiar degree with G. Britain & Spain, tho' other motives mingle with it on the part of the former which are fully exposed in the pamphlet called "war in disguise." France feels less forcibly that sentiment in this respect because she puts less value on her colonies, & being inferior at sea finds it her interest to encourage our growth on that element, in the reason which prompts Britain to depress it. But without an attitude of menace, and an evident ability, which will be judged of by the apparent means, and determination to execute it if necessary, nothing will be gained of any of them, not even of Spain, the most feeble and vulnerable of all powers. The moral sentiment is weak with them all. None will pay debts or do justice in any form while they can avoid it. All will insult us, encroach on our rights, & plunder us if they can do it with impunity. Should they conclude that they have nothing to fear from us or to hope, be their conduct respectively what it may; that we are not ready to resent injuries & to hazard much in defense of our rights honor & interests, it is fairly to be presumed that they will pursue that system of policy towards us, which each may find its advantage in. The effect wo^d probably soon be seen in the war by the pillage of our commerce, which beginning here wo^d be followed everywhere, and in peace by an union of all in a system to depress us. I know that the subject is an extremely difficult one: that distant as we are from the theatre of action; likely as the scene is to change, with the powers who are parties to it, it is possible that we might adopt a measure which two months afterwards we might be sorry for. I have fully written these considerations, and still thought that it was more safe to act where the occasion required, as heretofore stated. As the gov^t is in the hands of those who are known to be so friendly to its principles, it seems to me that by assuming an occasional attitude of the kind adverted to even under circumstances less urgent the prospect of success in all its most important objects wo^d be much increased. The most staunch and enlightened friends of our country, that I have met with in Europe think, that to preserve our system,

[1] From Letter-book, Library of Congress.

conclusion, to the other topicks that were depending when I left this country for Spain. I endeavoured to touch those topicks, especially the insults in our ports

sustain our station & protect our commerce, all our energies will be necessary & may be called into action; that if the affair with Spain was adjusted, and that also with this govt, the same preparations wod be necessary which they require. These do not go to an encrease of the regular forces, which shod never be made while to be avoided, but that it will be proper to encrease the naval, and infuse more strength into the militia system I have no doubt.

Accounts are just received that the French have completely demolished the Austrian army under Prince Ferdinand & Genl Mack; the former escaped by flight at the head of a few horse, and the latter was taken prisoner with the remainder of his army at Ulm, & all his officers. The Austrian Generals appear to have possessed not any of the great qualifications necessary to their stations. Being outmanœvred, they sank under the pressure which was made on them, without making any great exertion to extricate themselves from their embarrassments. It seems probable that the combined Prussian & Austrian force which is approaching Bavaria by the west will experience the same fate, or at least be driven back. The expedition from this country for the continent which has been embarked some days, will sail the first fair wind, under the command, as is reported, of the Duke of York. It consists of abt. 20.000 men and is destined for Hanover or Holland. Prussia who seemed disposed for a while to join the coalition will probably change her attitude. If the movement of the allies was ever well combined, the execution has been most wretched so far. The prospect at present is as favorable to France in every view, as those in power there could desire.

In respect to the aggressions made on our commerce by this govt, or by its sanction, there will I am aware be much difficulty in fixing on the precise measure to produce the best effect here and elsewhere. I am strong in the belief that something is necessary to be done, with a view to our interest, both here & on the continent. Without some act of the kind alluded to, the aggression will be renewed hereafter & pushed further, if the opportunity favors: it will also be useless to attempt the formation of a commercial treaty, for the whole will go together, tho' on this point the pamphlets will give sufficient information. Some such act may be equally necessary to prevent France, and the powers dependant on her following the example of Britain, to counteract (as they will say) her policy. Thus between them our commerce might be entirely cut up & our merchants ruined. It seems to me as if it would be proper for the Congress to act on it, and declare its sense of the law of nations, taking perhaps the ground of the Prussian treaty & pledging the representative body, that is both branches, to support the executive in the maintenance of those rights. As an inducement to those who may have suffered by a violation of these it may be advisable to impose a discriminating duty on British manufactures of 15. or 25.

and the empressment of our seamen, in a manner to shew a due sensibility to such outrages, and if possible to conciliate this government to concur in a suitable

p^r^ cent: in the spirit of the resolutions presented by Mr Madison in 1793-4. This would be a mild way of acting in regard to this country, and yet wo^d^ assume an attitude which might be useful here, *ultimately*, & on the continent *immediately*. The immediate effect which such a measure might produce here cannot well be calculated. I think it wo^d^ depend on the state of aff^rs^ on the continent. Sho^d^ this government succeed there, it is presumable that the measures recommended by the pamphleteer will be adopted, altho' no step was taken on our part. If it does not, then I think such measures will not be taken, altho' we took even a stronger one, provided we left the door open to negotiation. Indeed it seems probable that a continuation of bad success with the coalition, with an unfriendly attitude on our part, supported by just reasons, urged in a spirit of moderation, would embarrass this ministry much. In acting however we sho^d^ consider the whole subject, likely to be taken up in a commercial treaty, as claiming attention. If improper restraints are imposed on our commerce with the W. Indies, or elsewhere, especially such as did not exist under the treaty of 1794, will it not be proper to give power to the Executive to counteract them? when prohibitions are imposed, to authorize him for example to lay embargoes, or prohibit the exportation of our produce &ca in return? This will bear hard on the colonies, but they must reproach their own gov^t^ alone with the consequences. Such a proceeding would be likely to lay a good foundation to negotiate a commercial treaty on. It wo^d^ shew them that we were also a party to such a transaction, that we knew our rights & wo^d^ support them, in the mode which was likely to be most effectual because most embarrassing to them, altho attended with inconveniences to ourselves: it might produce a good effect with the northern powers who could not be indifferent to a pressure made on us in a point so interesting to themselves. It would also I think produce a good effect with France, as it wo^d^ give her cause to hope that we wo^d^ support our rights in a case in which she was interested, with effect, or if we failed that it would lead us to a still greater compromitment with her enemy, from which she would derive still greater advantage. The present is certainly a very favorable time to push our just claims with both this country & Spain. As their whole force is exerted in the existing war, it is not likely that either wo^d^ be able to resist a pressure from us, or willing to encounter it. I really think that we have it much in our power to obtain what is our due of them. In respect to all colonial questions it seems probable that whatever ground sho^d^ be gained of any one, wo^d^ be yielded by the others. In this view it may be particularly expedient to avail ourselves of the occasion furnished by these powers to improve our fortune with them in every line in which it may be practicable."

arrangement to prevent the like in future. It seemed to be improper and, it was certainly useless to touch them without expressing the sense which the President entertained of the injury and indignity to which the U. States had thereby been exposed. The acts were of a nature to require it, and the conduct of this government [since][1] had increased the obligation to do it. It appeared also by your letters which were retained [received] by Mr. Purviance in my absence, that the President expected that this government would make such an example of the officers who had most signalized themselves, by their misconduct, as would serve as a warning to the commanders of other vessels, who may hereafter seek shelter or hospitality in our ports. This has not been done. On the contrary, I was informed, by the best authority, that Captain Bradley of the Cambrian, whose conduct had been most offensive, had been promoted immediately on his return to the command of a ship of the line. By that measure which prejudged the case this government seems to have adopted those acts of its officers as its own, and even to announce to all others that the commission of like aggressions within our jurisdiction would pave the way to their preferment. It is said it is true that the translation of an officer from a frigate to a ship of the line, is not considered in all cases a promotion, or more correctly speaking is not such an one as is solicited by the officers of the Navy. The command of a frigate on a separate station especially one which affords an opportunity to make prizes is

[1] *State Papers*, iii., 106.

preferred by them to that of a ship of the line a fleet, and may perhaps be deemed a more important trust by the government. Ostensibly however and in effect it is a promotion; the least therefore that could be said of the disposition which this government had shewn respecting the misconduct of that officer was, that if it had not been the cause, it certainly formed no obstacle to his. Under such circumstances it seemed to be impossible to separate the [illegible]r from the government in those outrages, and q[illegible] useless to demand the censure of him. I tho[illegible]t it therefore most advisable in the present s[illegible]at least, to treat the affair in a general way, r[illegible]er in reference to a particular occurrence, [illegible] to the offensive object, and paying any [illegible] to what was due to the U States, the manner [illegible]ciliatory as I could made it.

Having waited near three weeks after my letter of the 23rd Ult.o to Lord Mulgrave without hearing from him, I wrote him again on the 10th inst. and stated that by the permission of the President I proposed to sail to the U. States this autumn, and as the favorable season was far advanced wished to depart with the least possible delay: that I should be happy to see the interesting concerns depending between our governments satisfactorily arranged before I sailed, that I had been and should continue to be prepared to enter on them while I remained in England, and that the time of my departure would be made subservient to that very important object. To this note I received some days afterwards a short answer, which

promised as early a reply to my communications as the additional matter contained in that of the 23rd Ult? would permit. Having taken the liberty to inform you from Madrid that I should sail for the U. States soon after my arrival here, it was my intention after making a fair experiment to arrange the concerns with this government, to have departed forthwith be the success of it what it might. I considered myself as having the permission of the President to return home, after such an experiment, and it was very much my wish and that of my family to avail ourselves of it. But unfortunately at that period the seizures which had [just] before commenced began to assume a serious form [aspect]. It became my duty in my first letter to Lord Mulgrave to notice them, and they soon claimed the principal attention. On the 10th however I thought myself perfectly at liberty to give notice of my intention to depart, in a guarded manner. I had already said everything in my several communications on the subjects that were depending that I intended to say, unless it should be made necessary to add more by a reply to them: I had also waited [in vain] a sufficient time for a reply; I could not depart without giving timely notice of it, especially after the late correspondence; and the season was so far advanced that if I withheld it longer, I should be exposed to a winter's passage or compelled to remain till the Spring. It was on these considerations that I wrote the above mentioned note to Lord Mulgrave, in the hope of promoting without further delay a satisfactory arrangement of the points alluded to. But so vague is his

answer that it is quite out of my power to determine at this time whether it will be proper for me to sail or not in the course of the present season. Indeed there is but one vessel now in the port destined to the U. States in which I should wish to embark with my family, at so late a period. She will be commanded by Cap: Tomkins, for Norfolk, who I understand proposes to set out in the beginning of next month. By that time I shall probably see more fully into the ultimate intentions and policy of this government towards the U. States, and I think I may venture to say that if I sail during the present autumn it will be in that vessel.

I have no doubt that the seizure of our vessels was a deliberate act of this government. I do not know that the measure was regularly submitted to and decided in the Cabinet, but I am satisfied that that department of it having cognizance of and controul over the business dictated the measure. The circumstances attending the transaction justify this opinion. Before the coalition with Russia and Sweden the commerce was free. The blow was given when the coalition was formed. G. Britain has shewn much political arrangement [management] in the whole of this affair. By the emendatory article of her treaty with Russia in 1801, the latter abandons the right to the direct trade between the colonies of an enemy and the parent country, and agrees to rest on the ground which the U. States might [may] hold in that respect. It is to be presumed that she declined the seizure before the coalition was formed with the Northern powers lest

it might alarm them and endanger the coalition ; and that she made the seizure afterwards on the idea that as they were embarked in war with her, they would become indifferent to the object, and leave her free to push her pretentions against us. The manner in which the pressure is made, being thro' the Admiralty Court, on a pretext that the trade is direct, altho' the articles were landed in our ports and the duties paid on them is equally a proof of management on her part. It was obviously intended to urge, indeed Lord Mulgrave in our first interview began by urging, that there had been no new measure, that the government had not acted in the business, while the Court by considering every species of that commerce, direct, and every accommodation on the part of our citizens with previous regulations fraudulent and evasive, should push the pretentions of the government to such an extent as to annihilate it altogether. Lord Mulgrave insisted in express terms, in the second interview, that we ought not to carry it on at all with the parent country ; that the importation into our country ought to be confined [strictly] to the supplies necessary for the home consumption. I am equally confident that if G. Britain should succeed in establishing her pretentions against us, she would avail herself of the example hereafter with the Northern Powers. It is therefore a question of great importance to them also.

With respect to our other concerns with G. Britain I am sorry to say that I do not see any prospect of arranging them on just and reasonable terms

at the present time. No disposition has been shewn to prescribe by treaty any restraint on the impressment of our seamen, whenever the government may be so disposed, or even when any of its officers in the West Indies or elsewhere may think fit. On the subject of boundary nothing has been lately said, nor does there seem to be any inclination to enter on it. I have also reason to think that this government is equally disposed to postpone an arrangement of our commerce in general, by treaty, for any number of years. On this point however I cannot speak with so much confidence as on the others, never having made any proposition, which was calculated to obtain an explicit declaration of its sentiments. The conversations which I had with Lords Hawkesbury and Harrowby before I went to Spain, on the other subjects, naturally brought this into view, but, being incidentally, it was only slightly touched. The proposition which was made by the latter to consider the treaty of 1794 in force, was as a temporary expedient, not a permanent regulation. From that circumstance and the manner in which they both spoke of that treaty I concluded that their government would be willing to revive it, for an equal term. It might however have been made only to obtain delay. You will observe that in my note of the 23. Ult.º I have taken the liberty to mention the subject, in a manner to shew that it is not one to which the U. States are indifferent, or which the President wishes to postpone. Altho' I have no power to form a treaty, of so comprehensive a nature, yet I thought I might with

propriety open the subject, so far at least as to ascertain the views of this government on it, for your information.

On a review of the conduct of this government towards the United States, from the commencement of the war, I am inclined to think that the delay which has been so studiously sought in all these concerns is the part of a system, and that it is intended, as circumstances favor, to subject our commerce at present and hereafter to every restraint in their power. It is certain that the greatest jealousy is entertained of our present and increasing prosperity, and I am satisfied that nothing which is likely to succeed, will be left untried to impair it. That this sentiment has taken a deep hold of the publick councils here, was sufficiently proved by the late seizures, being at a time when the state of our affairs with Spain menaced a rupture, from which G. Britain could not fail to derive the most solid advantages. It was natural to expect, especially when we advert to the then critical situation of this country, that the government would have seized the opportunity to promote that tendency [object] by a more just and enlightened policy. The part however which it acted was calculated, so far as depended on it, to prevent one. It proved satisfactorily that no event is deemed more unfavorable to G. Britain than the growing importance of the U. States and that it is a primary object of her government to check it if not to crush it. It is possible that this government may be influenced in its conduct by a belief that the U. States will not

revive the treaty of 1794 unless they be driven to it by such means. It may also be attributable to a policy still more unfriendly. There is cause to believe that many prejudices are still fostered here, in certain circles at least, which the experience of multiplied and striking facts ought long since to have swept away. Among them it is proper to mention an opinion which many do not hesitate to avow, that the U. States are by the nature of their government, being popular, incapable of any great, vigorous or persevering exertion: that they cannot for example resist a system of commercial hostility from this country, but must yield to the pressure. It is useless to mention other prejudices still more idle, which had influence on past measures and certainly still exist with many of great consideration. With such a view of their interest, of the means of promoting it, and the confidence which is entertained of success, it cannot be doubted that it is their intention to push their fortune in every practicable line at our expence. The late seizure is probably an experiment, on this principle, of what the U. States will bear, and the delay which is observed in answering my letters only an expedient to give the government time to see its effect. If it succeeds they will I presume pursue the advantage gained to the greatest extent in all the relations subsisting between the two countries, more especially in the empressment of our seamen, the prostration and pillage of our commerce thro' the war, and in the more elevated tone of the government in a future negotiation. If it fails, I am equally

confident that their whole system of conduct towards the U. States will change, and that it will then be easy to adjust our affairs with this country, and place them on an equal, and reciprocally advantageous footing. Perhaps no time was ever more favorable for resisting these unjust encroachments than the present one. The conduct of our government is universally known to have been just, friendly, and conciliating towards G. Britain, while the attack by her government on the U. States is as universally known to be unjust, wanton, and unprovoked. The measure has wounded deeply the interests of many of her own people, and is not a popular one. The U. States furnished them at all times one of the best markets for their manufactures, and at present almost the only one. The [Her] colonies are dependant on us. Harrassed as they are with the war, and the menaces of a powerful adversary, a state of hostility with us, would probably go far to throw this country into confusion. It is an event which the ministry would find it difficult [to resist], and therefore cannot I presume be willing to encounter.

But is it safe for the U. States to attempt a vindication of their rights and interests in a decisive manner, with Spain and Britain at the same time? Will it not unite them against us, and otherwise do us most essential injury? This is certainly a very important consideration and will of course be maturely weighed by our government. In my view of the subject the cases do not interfere. We probably never shall be able to settle our concerns with either power, without

pushing our just claims on each with the greatest decision. At present, tho' at war with each other, they harmonize in a system of aggression against us, as far as it is possible in such a state. Is it not presumable then that at peace their harmony will be greater and its effect more injurious? It seems to be a question simply whether we will resist their unjust pressure at this time or defer it to some other opportunity, and surely none can be more favorable for us and [or] less so for them. [They are now respectively much in our power.] We can wound both essentially, should it be necessary to push things to that extremity, without receiving much comparative injury in return. I am strong in the opinion that a pressure on each at the same time would produce a good effect with the other. Success with either could not well fail to produce it with the other. I am far from thinking that the incident with Britain should change our conduct towards Spain, or that the necessity we may be under to push our pretentions with Spain should relax our exertions against Britain. Some considerations indeed occur which make it probable that the latter incident was a fortunate one. By pressing both at the same time France may find herself relieved from a dilemma, in which a pressure on Spain alone, might place her, in consideration of her conduct in the late negotiation; and being desirous to encourage our misunderstanding with England she may be prompted to promote an adjustment of our differences with Spain, to leave us free to push the object with England. As these subjects have been practically much under my view in the trusts with which I have been honored by the

President, and have entirely engrossed my attention I have thought that it would be agreeable to you to receive the result of my reflections on them. I am, Sir, with great respect and esteem,

P. S. Oct. 25. I have just had an interview with Mr Hammond in which I asked him when I should obtain an answer from Lord Mulgrave. He assured me that the subject was under the consideration of the Cabinet, and that it was intended to give me as early an answer as its own importance, and the other very important concerns of the government would permit: that I knew they were contending for their existence &c. I told him that I was detained [here] by that business alone and should have sailed long since for the U. States, had his government placed our affairs on such a footing as to have enabled me; that we wanted nothing but what was just and reasonable. Nothing else material passed in the interview. Mr Bowdoin sailed for the continent about 10 days since; I have not heard of his arrival in Holland, and fear as the winds have been unfavorable, that he has had a bad passage. Cap^tn^ Tomkins will not sail till February, so that there is no prospect of an immediate passage in his vessel.

TO JAMES BOWDOIN.[1]

LONDON Novem^br^ 13, 1805.

DEAR SIR, — I hope you have some time since been arrived at Paris with your family all in good health. We heard with much regret of the long and dangerous

[1] From Letter-book, Library of Congress.

[illegible] which you had to Holland; indeed we [illegible] from the very unfavorable winds [illegible] your departure. Such dangers howev[illegible] soon forgotten after we get on shore, if we fi[illegible] comforts we require, as I am persuaded you [illegible] through the whole of your journey.

I send you a pamphlet called "War in Dis[illegible] which if the author can be supposed to spe[illegible] sentiments of his government shows no very fr[illegible] disposition towards us in this quarter, in refere[illegible] the commerce on which it treats. Since you l[illegible] I have received no answer to my several notes re[illegible] the late seizure of our vessels, or other com[illegible] except a short note promising one as so[illegible] the importance of the subject permitted. It [illegible] to sail in January if possible, so as to [illegible] before the Congress rises; my earnest wish there [illegible] that our business with Spain may be adjusted [illegible] I set out that that important fact may then be [illegible] our government. I should suppose that the [illegible] disasters of the French which annihilate [illegible] could determine their government to [illegible] adjustment of our affairs with Spain. We a[illegible] only power left to support the neutral flag, whi[illegible] do while that business is unsettled. S[illegible] such an adjustment not be made the cause w[illegible] more evident by the opportunity for which [illegible] affords, as will be the data on which [illegible] government will finally have to act.

The Admiralty Judge in a late decision, in [illegible] he adverted to the impression which had been [illegible]

from the former one which he called erroneous, stated that a commerce in the productions of an enemy's colony from a neutral country to the mother country of the colony, might be lawful, if they had become a part of the stock of the neutral country. It was understood that he admitted such productions to be a part of the stock if they were brought in the neutral country of the exporter; but as the decision and doctrine by which he supported it turned on the question of the continuity of the voyage, over which he seemed to claim an absolute controul, there is no security that he will hereafter consider that circumstance as conclusive proof. He may possibly insist, should he find the restriction complied with, that other circumstances controul it, and push the pretentions of his government step by step till the commerce was entirely cut up.

I have not heard from Mr Erving since his arrival at Madrid. As I presume he reach'd that place about the 20th ult^o^ I shall probably soon get a letter from him.

How would it answer for you and Gen. Armstrong to unite in any treaty to be formed relative to our business with Spain? An opportunity may offer to make a safe one before you hear from our government. Untill then and indeed afterwards, if nothing appears to the contrary I think such an agreement between you would produce a good effect. It cannot be doubted that our gov^t^ would approve it. If the treaty is formed at Paris, it would be easy: if at Madrid, it might be arranged by correspondence. If

you approve the idea it might be well for you to propose it, as you are accredited with Spain. Excuse the hint which I make from a sincere desire that the object may succeed, as from friendship to you both. The probability is that I shall sail in January so that I wish you to write me early in that month and untill the first week in Feby if anything material occurs, as it is not certain that I shall get off sooner: indeed I can have no motive in going 'till April, but a strong belief that it may be useful to my country, in which I shall be much influenced by what I hear from you and Genl Armstrong.

TO GENERAL ARMSTRONG.[1]

LONDON Novem^{r} 14 1805.

DEAR SIR,—You will perhaps be surprized to find that I am still here; but the manner in which I thought it my duty to remonstrate against the late seizure of our vessels put it out of my power to sail as soon as I intended without exposing myself to the responsibility of any measures which might afterwards be adopted however unfriendly. I thought it proper after supporting our pretensions with suitable firmness to give notice of my intention to return home, and wait as long afterwards as to give an opportunity for the adjustment of our affairs before I sailed, if the disposition existed, and if not, to shew that my movement had no connexion with theirs. No answer has been given to my several notes, of which Mr Bowdoin had copies and you were also requested to take

[1] From Letter-book, Library of Congress.

from the former one which he called erroneous, stated that a commerce in the productions of an enemy's colony from a neutral country to the mother country of the colony, might be lawful, if they had become a part of the stock of the neutral country. It was understood that he admitted such productions to be a part of the stock if they were brought in the neutral country of the exporter; but as the decision and doctrine by which he supported it turned on the question of the continuity of the voyage, over which he seemed to claim an absolute controul, there is no security that he will hereafter consider that circumstance as conclusive proof. He may possibly insist, should he find the restriction complied with, that other circumstances controul it, and push the pretentions of his government step by step till the commerce was entirely cut up.

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new doctrine had been advanced by him, that the productions of enemies colonies imported into a neutral country, and added to its stock, might be sent to the parent country of the colony; he intimated that he should consider its being sold in the neutral country as adding it to the stock: but this is quite arbitrary; he might hereafter say the "stock" was a term which applied "use," and that we ought not to import more than we used.

When the French government sees that a great portion of its Navy is destroyed, and with it its commerce entirely, that by the union of the Northern powers with this the U. States are left to assert the rights of the neutral flag against whom G. B. is pushing her pretensions to the greatest extent, and that a serious issue is now depending between them and her on that point, I should suppose that it would hasten to compromise our business with Spain to leave us free to support our neutral rights.

If I arrive at Washington before the Congress rises as I hope to do, it may possibly be as well as if I had gone at the time I first proposed. It allows a fair opportunity in the interval, for the adjustment of our affairs everywhere, and will enable the government to see more clearly the course to be pursued, if it is not done, with any power. Your dispatches must reach me the first week in January and if no safe private conveyance offers, you had perhaps better send them by a special messenger. We desire our best regards to your lady and family, and you will believe me very sincerely &c.

TO JAMES MADISON.[1]

LONDON Novr 22. 1805

I wrote you on the 16th in haste by the John Bulkley a letter in which I observed that in making the question of right with this government, it might perhaps be best to take at this time the most moderate ground. As those terms are indeffinite & may be misunderstood, some explanation may be necessary to convey an idea of what I shod consider in that light. The seizure &c is a positive violation of right, subjects to great loss & will ruin many of our people, and is in effect an act of hostility to our country. Under such circumstances what ought to be considered as moderate ground? Reprisals are unquestionably justifiable: but I wod not resort to that measure, or to any other which broke the relations subsisting between the two countries. You will have seen my letter to a friend of yours of the 1st instant which touches this point. The sentiment expressed in it, was that which I meant to convey, in mine to you to which I refer. I really think that the measures suggested in that letter would be moderate, and such as are eminently called for, by the injuries complained of. Every days experience confirms me more fully in this opinion, as in those which are communicated in my publick letter of the 16th ult° I have no reason to presume that in the points in question any accomodation can be obtained voluntarily [;] am strong in the opinion that if they are successful in the war, and no

[1] From *Bulletin of the New York Public Library*, Vol. iv., No. 2, February, 1900. The *Bulletin* print gives also cipher numbers.

measure of counteraction taken on our part that they will push their aggressions still further, & think the prospect fair that a suitable pressure on our part at this time which would be deemed moderate, in comparison with the injury, but also firm and decisive wo^d produce desired effect. Perhaps an embargo wo^d be better: but I am aware that the course to be pursued by our gov^t in this business, is a question which depends on so many circumstances, many of w^h are entirely domestick, and of course out of my sight, that it is impossible for me to give an opinion worthy much attention. In what estimation is the commerce held by the American people? How is their sensibility affected by the seizure? What injury have they sustained in the various countries to w^h its influence extends? What sacrifices are they willing to hasard & even make to put our concerns in this & other respects on a just footing with this government? To form a safe opinion of the measures which the present juncture may organise, correct information sho^d be had on these & other points, in which I am defective. I can only venture to judge of the attitude it may be proper for our government to take to support a negotiation here, the facts relative to which are before me.

TO JAMES MADISON.

Dec. [?] 1805

Sometime in the month of Novr Mr Lowell of Boston arrived here with a letter to me from Mr Codman, informing me that he was travelling & wo^d probably

take the tour of Europe. He introduced him to me as a gentleman of merit, which he did on the footing of our former acquaintance. He was presented to me by Mr Gore. I returned his visit. Mr Wells who brot me a letter from Mr Codman and also one from Genl Smith, who came in the same vessel, presented his letters a day or two afterwards.

It seemed to me strange that this Mr Lowell shod be taking the tour of Europe, of whose fortune I knew not enough, to suppose it was equal to such an enterprise. I was led to suspect that he was the agent of the federal party & had come for the purpose of intrigue with this govt, & masked the object, under that pretext. I intimated this suspicion to Mr Erving, who seemed to think it might be well founded. Sometime after this, that is early in Decr, Mr Erving informed me that his suspicions were encreased, & that he wod ascertain the fact if I thought it worth while. I replied that such proceeding ought to be known & defeated if possible. He said he was on a train which he thought wod lead to that end and by means of the first authority with whom he was in communication thro a person whose name he did not mention. He observed that this govt had apprehensions of improper views & designs being entertained against this country by Mr Barlow & Mr Fulton the latter of whom had invented a boat which cod navigate land or water, and which they suspected might be used in favor of the French to annoy their fleet. Of the former vague suspicions seemed to be entertained on acct as he presumed of his political principles. He

thought that these apprehensions might be turned to some acct, since he was persuaded that if the govt could be made secure against such dangers, that it would in return give up the men who were intriguing here, to dishonor & injure their country. I expressed my astonishment that this govt shod be so blind & credulous as to listen to such insinuations against Americans—remarked that their apprehensions were absurd & ridiculous, if they existed; that I did not suppose they wod ever give up or rather betray those who had communed with them in the way above suggested, for any security he cod give them against the imaginary dangers which they professed to dread. I told him if he proceeded in the affair that it must be understood that I had nothing to do with it, as was in fact the case. The affair had taken a course very different from what I had contemplated. When I had suggested my doubts to Mr Erving of such intrigues, my idea was only that the presumed parties shod be attended to, & such facts observed as might fall within our view, tending to remove or confirm them. I had no expectation of a communication being opened directly with the Minister on the subject. On hearing that that was the case, I had many reasons for wishing that it might be understood that I had no knowledge of the affair. 1st was really more anxious to counteract & defeat such intrigues than to discover & expose the authors—2—I did not like the idea of giving a countenance, in any form to the idle apprehensions of this govt of improper views in any of our citizens especially where I knew them to be un-

founded: to guaranty them assurances that they did not exist, was to allow that they did; while the guaranty supposed a controul over the parties, which justified a suspicion that that controul had been & wo^d^ be continued to be improperly used, without a satisfactory price was given to change the course of action. Such an idea was uncandid and totally inadmissable. 3. I did not know thro whom the communication passed, how it wo^d^ be managed, or how it had commenc'd.

On the 23, Mr Erving informed me that his friend had been sent for by the Minister to confer on a particular question. That on going to him he said, he had been pressed to send Mr Erving from the country as a dangerous man, & had sent for this person to confer with him on the subject. By his report much conversation passed between the parties tending to shew that the Minister had been confirmed in his suspicions of improper views in certain Americans, that Mr Erving was leagued with them, that they were countenanc'd by me, who he supposed was at the bottom of the communications with him, which were supposed to emanate from Mr Erving alone. It appeared also, that the Minister suspected that there was a combination of Americans in Europe, for the purpose of undermining the British power & gov^t^—That Mr Livingston was a party to it, and his memoir a part of the system; that he also suspected that the existing adm^n^ of America, was favorable to the same doctrine. The friend of Mr Erving told him that the Minister expressed a great desire to

know whether I was acquainted with their communication, & on being told positively that he did not believe I was, he replied that I said nothing — that I was cautious & guarded — but that I directed these movements &c. On hearing this report I was greatly astonished & disgusted. False facts were presumed— & the worst inferences drawn from them. I was aware that my conduct had been not only strictly correct, but by my moderation on great points, favorable & friendly to this country, and was highly mortified to find, that even my moderation & friendly deportment, had been construed into proofs of deep hostility & dissimulation. I peremptorily requested Mr Erving to put an end to the communication — to tell his friend that since personal & illiberal insinuations were made of me as well as him, that he wod go no further without being permitted to disclose what had passed to me & taking my instructions for his conduct. To express in suitable terms his contempt of such insinuations, and of his independance of the consequences.

TO THE SECRETARY OF STATE.

CHELTENHAM Dec. 11. 1805.

SIR, — The delicate state of health which my family has enjoyed of late, attributable as is supposed in a great measure to the atmosphere of London induced me to come here last week. A letter from Lord Mulgrave, which I received just before I left town, having revived the expectation that I should hear

from him on the subject of my former ones,[1] I thought it proper to apprize him of my proposed absence, as that it would be short; that Mr Purviance would remain behind to receive and forward me his letters, and that I would repair to London to wait on him whenever it might be necessary. I informed him also that I had postponed my departure to the U. States until Feby to give full time for the arrangement of affairs depending between our governments without interfering with his other engagements. It is my intention to visit London occasionally and to call on his Lordship when I do, to see if it is possible to accomplish that interesting object before I leave the country. Having done everything in my power to place our concerns with this government on a satisfactory and secure footing, since the trust was reposed in me, I shall continue to make the same exertions while I am charged with it.

By late accounts from the continent it appears that the French have entered Vienna almost without opposition, the Austrian and Russian armies having left it open to them. It was a while reported and believed that the Emperor of Austria had made a separate peace the conditions of which had been dictated to him by his adversary in the spirit of conquest; but this is now contradicted and disbelieved. The Emperor it seems plays a bolder game & is willing to hazard all, rather than make the sacrifices which it is supposed were insisted on. Thus the campaign seems to be hastening to its crisis, which will unfold the

[1] *State Papers*, iii., 103 *et seq.*

policy of some movements in the field and Cabinet which may not have been heretofore well understood. It will soon be seen whether the Emperor of France has been drawn on without system by the brilliancy of his success against Gen! Mack, to hazard more than an able and prudent commander ought to have done; or having in view the accomplishment of a vast object, his movements have been combined with those of Gen! Massena in Italy, were judicious and conformable to a plan wisely laid down in the commencement. It will soon be seen whether Prussia, who cannot be an indifferent spectator and has much in her power, intends to act a part in the adventure, and performs it well, or governed by circumstances makes and breaks her resolutions as they change, and finally becomes a victim to unsteady and feeble councils. Whatever may have been the motive of the Emperor of France to take his present position it is certainly a daring and hazardous one. It gives in plain terms the defiance to Europe, and if Prussia takes part against him he may be considered as fairly pitted against Europe, for the powers that are on his side are not volunteers in the cause. If he experiences a serious reverse of fortune they will I think quickly fall off. He must either succeed, that is make at least a good and safe retreat in case of necessity, or he is utterly undone. It remains to be seen, whether in case he succeeds, by completely vanquishing the armies opposed to him, he will be able to make a prudent use of his victories for the purpose of consolidating and securing his own power, and of course

whether his victories are to prove of any solid and permanent advantage to him. It may perhaps require greater talents in the present state of the world in respect to that object, to turn such victories to the best account, than at the head of the veteran armies of France to gain them.

The situation of the U States in respect to all these powers is in every view a very favorable one. So circumstanced are they respectively that while we have the means of doing each irreparable injury, all are interested in preserving the relations of peace and friendship with us, and none have it in their power to do us comparatively equal harm. As things now stand each of the parties forms a complete counterpoise to the other, in a way best adapted to its own safety, and to our interest. Victorious by land France has scarcely a ship at sea and is therefore interested in the prosperity of our commerce. Victorious at sea G. Britain finds herself compelled to concentrate her force so much in this quarter, with a view to her own security, that she would not only be unable to annoy us essentially in case of war, but even to protect her commerce & possessions elsewhere which would be exposed to our attacks. As to Spain, she ought not perhaps to be considered as a party to this controversy. If she were asked in which scale her interest lay, which party she wished to prevail, her friends or her enemies, she would most probably be at a loss to decide. I think it must be her interest that neither should succeed but that the scales should stand suspended as they now are. If her enemies

succeeded completely she would be undone; and the same thing would happen if her friends did. Thus it appears that from none of these powers, have we any serious danger or injury to apprehend in the present state of affairs; nor from what I can see is it likely that we soon shall have. While the powers of Europe are contending against each other, none of them can venture to break with us, in consideration of such motives, as the just pretentions and claims of our government may furnish; and by many causes they seemed to be destined to remain in that state some years longer, or at least in one of great jealousy and rivalry of interest, which may produce the same effect.

I have just received your letter of Sep. 20 respecting the ship Huntress, which has been given up to Gen! Lyman, as I understand, by order of the Admiralty. The cargo, consisting in provisions having been much injured by the detention, was at his suggestion, and by my direction to have been lately disposed of. I shall communicate with him on the subject and transmit you shortly a correct account of the business. I am, Sir, with great respect and esteem, your very obedient servant.

TO THE SECRETARY OF STATE.

LONDON, Dec! 23, 1805.

SIR,— I came to town on the 20th in consequence of a letter from General Lyman of which a copy is

enclosed.[1] Altho' the suggestion which it communicated as proceeding from Doctor Lawrence, a proctor in the Admiralty, who has no connection with the Ministry, that the government would suspend on my application the seizure of our vessels till the principle could be adjusted, might be founded on mere conjecture yet I did not feel myself at liberty altogether to disregard it. After what had passed it did not seem probable that the government would expect any new application from me before it had answered those I had already made, or that it would adopt such an expedient to obtain one. If it was disposed to accommodate, the invitation already given was surely sufficiently strong. Still it was not an impossible case. Doctor Lawrence's standing in the court is a very respectable one, and I knew that reference had been made to him in some of the cases that were depending altho' he was employed by our citizens, on the receit of my first letters, and that on his opinion the vessels were discharged. But what gave more countenance to the presumption was certain extraneous circumstances, which were likely to be felt by the government. A strong paper extracted from the National Intelligencer, which reprehended in decisive terms the conduct of this government towards our commerce had appeared in the Morning Chronicle and produced some sensation in the city, in addition to which the character of events on the continent, under the most favorable aspect in which they might

[1] Respecting the American ship *Huntress* and her cargo, consisting of naval stores for the squadron of the United States in the Mediterranean, which ship

be viewed, still wore an equivocal face.[1] My experience here, without going further back in our history has satisfied me that nothing inspires those in power with such friendly sentiments towards us, or brings to their recollection with such glowing feelings and expressions the circumstances of our common origin, language, &c, as adversity. Before I went to Spain when this country stood alone pitted against its adversary, and I pressed a decision on the propositions I had presented, I heard some eloquent discourses on that topick, to which I was not insensible. But as soon as the prospect improves, the relationship is forgotten and scouted; nothing is thought of then but their maritime rights, which by their pretentions, comprize a complete monopoly of the ocean, sovereignty over all Islands belonging to their enemies &c. This change has been very visible of late, and is to be traced to the period of the organization of the new coalition. What the disposition of this government is, at this moment on these subjects I shall endeavour to ascertain. It is my intention to sound it thoroughly, in some suitable mode, and to profit of the opportunity, if one is offered, to arrange them on satisfactory terms.

was taken first by a Spanish armed ship, retaken by a British armed ship, carried into Liverpool as a prize, but delivered up to the American Consul by judgment of the Court of Admiralty.

[1] "To estimate our European connections, let us attend to the following statement as submitted to Congress in 1791: Our trade with Spain was $1,670,797. in our favor; with Portugal $1,687,696; with the Netherlands $791,132; with Sweden $932,635; with France $2,630,387; with Great Britain $5,923,912 against us and with Denmark $126,000 against us. THE EXAMINER, from the *Boston Chronicle*."—*National Intelligencer*, October 21, 1805.

The latest accounts from the scene of action state, with some degree of credibility, that the conflict was continued between the contending parties near Austerlitz, on the 3^{d} 4th and even the 5th, and that fortune finally proved favorable to the allies: in what degree however is variously represented. Some accounts state that the French army was completely broken and put to rout, while others represent it only as a handsome check. In truth less confidence is now due to official statements than they used to obtain. Since they have begun under the pretext of "ruses de guerre" to misstate simple facts, people at a distance do not well know what to believe. From every thing I can collect it does not seem probable, that any event has taken place, to decide the fate of the campaign, much less of the war; nor is there any certainty that Prussia has taken a more decisive attitude towards France as yet, tho it is often reported to be the case. On this point you will doubtless receive better information from the continent than I can give you.

It is probable that negotiations for peace will be opened in the course of the winter, as it may be that most of the parties seriously wish it. The mission of Count Haugwitz was supposed to present to the Emperor of France a species of ultimatum, which if adopted, would put an end to the war; or being rejected bring Russia [Prussia] into it on the side of the allies. The following are said to be its conditions, that he should separate the crown of Italy from that of France, and withdraw his troops from Naples, Holland and Switzerland, and leave those countries to

the enjoyment of their independence. It is reported that the conditions, be they what they may, were known to and approved by the Emperor Alexander, whence it is inferr'd that they are such as Austria and G. Britain also would accede to. It is likewise reported that a provisional treaty was formed between Russia and Prussia when Alexander was at Berlin which stipulated that Prussia should join the Allies in case France rejected the propositions of the latter. But I should not be surprised if it should ultimately appear that this mission was adopted by the King of Prussia, to get rid at the time, in a handsome manner, of the pressure of the Emperor Alexander, or being adopted in good faith for the ostensible purpose, should nevertheless produce no immediate effect, either with respect to a general peace, or the union of Russia with the Allies in the war against France. It is not probable that the King of Prussia sent to the Emperor of France a positive unqualified ultimatum, which should admit of no modification. A measure so bold and hazardous is not consistent with the character of the Prussian cabinet which is more remarkable for its hesitation and deliberation than the promptitude of its action; for its desire to preserve what it has by peace, than to risk everything in an attempt to gain more by war. And if the propositions which were to be made by the Prussian envoy were liable to modification, I cannot well discern how his mission is to be distinguished from ordinary ones, which commence in negotiation, [and] have a regular course and termination. In this view it is not unlikely

that the business may be referred to conferences, or a congress to be held elsewhere, which by management may be prolonged for a considerable time, and whose result may finally depend on the fortune of other battles between the existing parties; unless indeed by the successes of France over her present opponents, and the high pretentions of her chief, Prussia should hereafter have no alternative, but be forc'd into the war in her own defence. Be the fact however as it may with respect to Prussia, that is whether she abstains from the war or becomes a party to it, and at an earlier or later period, I do not think that there is much prospect of a general peace in the course of this winter. I rather think that the war will go on till it produces some great change in the condition of one of the parties. The contest is in truth between France and her dependencies and the rest of Europe, and seems to be now so deeply laid, that I cannot well perceive how a solid and permanent peace can be established between them till one or other gains so far the ascendancy as to be able to dictate the terms. The gigantic struggle of the French revolution has so far extended the bounds and contributed to the aggrandizement of France, at the expence of other powers, that it seemed to be impossible for them to reconcile their safety with her existing state. The new dynasty too which grew out of the revolution, did not diminish if it did not encrease the difficulty. It seems to have made up its mind that it was impossible for it to incorporate itself with the antient ones, even by alliances if such were to be formed, in such a manner

On both, the regular force is nearly equal, but the character of the troops as well as of the people is essentially different. On the side of France they feel the impulse of the revolutionary movement, while on that of Austria there seems to be a consciousness of imbecility, an entire want of enterprize, and an evident indisposition to the conflict, which cannot be attributed to the want of courage for there are no braver troops. Under such circumstances the superiority of population promises to be of little avail: we have already seen by the incursion into Germany that no part of it, or but a very inconsiderable one, has been brought into action; that it is a lifeless mass subject to the command of the victorious army in the field tho perhaps inferior to the force to be found in the smallest provinces. It seems probable if the Emperor of France beats the armies opposed to him, that he may demolish the dynasties; but then would arise a question whether in case those events happened, the nations were subdued? The world has seen with astonishment that Austria who has among her people several millions of fighting men, has not been able to call into the field at this great crisis, above 200,000. Surely it cannot be said that the defeat of that force is the subduction of Austria. Does it not on the contrary give good cause to presume that her government has lost its influence, that the people have withdrawn their confidence from it, that it is tottering and that everything is ripe for a change which the slightest external pressure may produce? If I may judge of Austria by what I saw of Spain,

and I am told that in many respects the lines are parallel, there is much ground for these suggestions. I did not believe that there existed in Europe, if there did on the earth, a government so completely worn out and exhausted in all its institutions and functions as I found that to be; or that it was possible for any government to produce such an impoverishing and destructive effect on the moral character of the people which is naturally a manly one, and on the face of the country, its cultivation and even on the soil itself, as is evident there. These considerations afford sufficient cause at least to doubt that altho' the armies be defeated and the dynasties overthrown the nations ought not to be considered as subdued, or liable to be disposed of as a conquered people, by arrangements that are likely to be durable. This is however in some measure a digression from the subject. In stating that I did not think it probable that the existing strife between the powers at war would be soon settled I have thought that it might not be improper to explain the reasons of that opinion.

I will conclude these with a few additional remarks. Under existing circumstances I think our attitude with all these powers is a very imposing one; that altho' with their loose system of political morality, inordinate pride and extravagant pretentions, they will respectively commit all kinds of injustice and outrage against us, if permitted, it is nevertheless in our power, and will be while the present state lasts to obtain of either by a suitable pressure, any just and reasonable demand we may have against it; that nothing will be

obtained without some kind of pressure, such an one as excited an apprehension that it will be encreased in case of necessity; and that to produce that effect and protect ourselves against unexpected and unfavorable results, which are always to be supposed and provided for, it will be proper to put our country, by invigorating the militia system and encreasing the naval force, in a better state of defence.

I am with great respect and esteem, your very obedient servant.

P.S. Since I came to town I have endeavored to ascertain whether anything had lately occurred to invite from me a new application to the Ministry respecting the proceedings against our commerce, and the result has been to satisfy me that there had not. Gen. Lyman has had a conference with Doctor Lawrence with whom he is acquainted, on the subject, in which the Doc[r] informed him that he had heard it intimated by persons in power, as their opinion, that there would be a suspension of those proceedings if an application was made for it. But who those persons were he declined to mention. It did not appear, and it is not presumable that either the Doctor or those to whom he referred knew the present state of the intercourse, what applications had already been made or that any had. I called on my arrival at Downing Street to see Lord Mulgrave who, as I was informed, was at Bath with M[r] Pitt, as he had been more than a fortnight. I asked the young man in the office who is charged, in the absence of M[r] Hammond,

with the American business if Lord Mulgrave had prepared an answer for me, to which he replied in the negative. In conversation he gave me reason to infer that no decision had been made upon the subject. I requested him to inform his Lordship that I had come to town to see him on that business, and should remain some time in the hope of hearing from him, which I was desirous of doing at this time as the Congress was sitting, and several opportunities offered to bear my dispatches to our government. He promised to do so immediately and assured me that if he received his Lordship's instructions to make any communications to me that I should hear from him without delay. Four days are more than sufficient for the correspondence between them : whereas twice that term has now elapsed without my hearing anything on the subject, so that I conclude that no change has taken place in the disposition of the cabinet on it. The business is in the regular train between the government and myself. It appears to me that I have done everything that it was proper to do, and must attend an answer which if much longer withheld cannot be considered otherwise than as a decision of the government to support present measures, till some stronger motive presents itself.

It is unnecessary to add that in giving my sentiments on these important subjects, I am far from being wedded to them : that being founded on a partial view only, that which is presented here, of those facts and circumstances which ought to be taken into consideration in making a decision, I have always given

them with a diffidence; and as I well know that a combined view of all the great interests and concerns which merit attention will be taken by our government in making the decision, by whom alone it can be taken with advantage, that I shall from that and many other considerations have much greater confidence in its judgment than my own.

TO JAMES MADISON.

BATH January 10. 1806.

DEAR SIR,—I have just heard of the death of our estimable and venerable friend M[r] Jones.[1] This event has afflicted us in the manner it was natural it should do, as he held the place and was always regarded by my family as a parent. We hoped to have found him in good health on our return, and it was a part of our common plan in which we were greatly interested, that he should have passed his declining years under our care. It is consoling to know that he died in Fredricksbg. where he would receive all the aid and attention which medical skill and friendship could furnish. We feel much interested in the welfare of his son, by whom the loss will be most sensibly felt. We hope that the event, by calling to his mind in the most forcible manner, the virtues and merit of his father, may induce him to make them the pattern of his conduct. He is a well disposed youth, and we shall endeavor in our regard for him, to shew our remembrance of the good offices, and our affection for that best of relatives and friends.

[1] Judge Joseph Jones was born in 1727 and died October 28, 1805.

The President's message which I have just received, is what I wished it to be. It opens the question between the U States and this country, and also with Spain, in a manner to shew that our government understands its rights and interests and will vindicate them, while it makes it equally evident that if a misunderstanding takes place between us and either of them, it will be owing to such power and not to us. It combines well moderation with firmness. The accounts which I have from London, being from Americans only but of heretofore different parties, speak of it in terms of high approbation. The idea however is that this gov[t] will suspend its measures, either of accommodation or otherwise, till it sees the part which Congress may take in the business. There is an infatuation about these people with respect to us, which makes them infidels to truths which with the same light, every other people would believe. Events in Europe are certainly favorable to our just pretentions, and be the fortune of their adversary what it may, I do not think that the manly assertion and support of them, with both powers, can otherwise than produce a good effect with that adversary. But measures on the part of our gov[t] must form the basis of negotiation; without such as are judiciously adapted to the occasion none will succeed. If this position is true it follows, that the more decisive and strong the measures are, within suitable limits, the better the effect will be. If the ground of Russia is taken with respect to this power, I think it will be salutary in the effect here, in the North, and

with France. By suitable limits I mean such as publick opinion with us will justify, and a due regard for transitory motives bear. By taking that ground it will shew to these perpetual antagonists that we are not a satellite to either, and will be forming a connection in a quarter where interest has already formed one. If this Ministry is left to pursue its own measures towards us, and we are to depend on its friendship, we know what we have to expect. Many think that this Ministry will not be able to keep its ground; be that as it may we can expect nothing from it or a change, unless we make a case with them and prove that we can and will do them more harm than they can expect advantage from adhering to their present course. I suggested in one of my private letters to you that there might be some delicacy in publishing my correspondence with Lord Mulgrave, in case the sequel of the business was committed to me. But in the present state of things that objection, if it ever had any weight, of which I was doubtful, seems to be done away. The communication of the President to Congress makes a case with this gov[t] which that correspondence will tend to illustrate. By publication I mean the communication of it to Congress in the ordinary course of such a transaction. I think it probable if a change took place in the Ministry, that the publication of it there would be of service to me with the successors. However on this point and indeed all others in which I have any concern, I have no personal solicitude as to the course to be taken, being well satisfied that the best for our country will be

that which will be sought and most probably adopted, so far as human foresight at least can suggest. Such were my duties in Spain that it was impossible for me to revise the correspondence with the Spanish Minister, &c., so that it is presumable from the extent of the labor M. Bankhead had to perform in that respect, that many errors were visible in it. I trust that these have been corrected by you. Indeed on a perusal at this time I see many inaccuracies of style, not errors in the transcript, which ought to be removed, and I hope are, as by so doing the sense will not be changed but be rendered more obvious.

A question will naturally arise with our gov^t whether your ultimate measures, if not already taken with this, ought to be suspended till the answer promised me is given. It cannot be doubted that the delay has been intentional, that the mind of the gov^t was made up at the time of my second interview with Ld Mulgrave, not to give ground if they could avoid it. The subject is so well understood by them in all its bearings, that in an hour at any time the Cabinet might have decided on it. If this is true it follows that delay can only be injurious to us for very obvious reasons. The commerce inhibited to us by this country in time of war, takes off half at least of what we are entitled to, are, or rather have been in the enjoyment of, and will impair our growth and sovereignty in equal degree. We must accommodate with their principles and abandon it, or support it with decision. A decisive issue will I think produce the best effect with the existing Ministry, is still more likely to do it with that which

might succeed it, and cannot fail to do it with France, and most probably with the Northern powers, especially if it is done in such a manner as to conciliate them. The views and pretentions of this gov[t] in these respects are unjust and ought to be opposed and no time was ever more favorable for it. These remarks, as all those I have heretofore made of the kind, are to be understood only as furnishing only the balance of my mind, in favor of the course to be pursued, in circumstances of real difficulty, on the facts before me and the prospect of affairs remaining in the same state, of which however there is no certainty as the scene is moving and variable. Due respect also is paid to publick opinion at home since to unite our country in suitable measures, we should not only have right on our side, but that should be made evident to the whole community. If this is done I think it probable that the incident may be one of the most fortunate kind, in contributing to dissipate all idle prejudice of which too much yet remains with some among us, and putting an end to that party spirit which has heretofore drawn too much nourishment from the source. I intend to return to London next week to attend the Queen's birthday, and the opening of the Parliament. While there, and I shall stay some time; I shall make an experiment to obtain the answer which has been promised me by Lord Mulgrave. If your measures are not taken when you receive this, it may perhaps be better that you wait the result of this effort. It will require a fortnight or rather more to make it. After it is made the whole subject will be much

simplified, especially as the state of things on the continent will then most likely have taken a more positive form; I mean as to the effect which the armistice has on Russia and Prussia and of course on the further prosecution of the war.

I have been requested by Gen. Lyman to make known to you the wishes of Wm Clark the present Consul at Embden to be transferred to a place in Holland in case Mr Alexander's ill health should disqualify him from acting. With respect to the latter I have no recent intelligence to be relied on, as where there are many who want this place, to whom perhaps reports may be traced, tho' I do not know that to be the case in any instance, they should be received with caution. He is certainly an obliging, amiable and well informed young man and if sound in his mind deserving of attention. His father lately died here. He was of those distinguished royalists, who having taken that side of the war, has since lingered out a miserable existence here. Of Mr Clark I have no knowledge but from Gen. Lyman, who speaks of him in very favorable terms, and a nearer acquaintance with the General has tended much to confirm the favorable impression which I had taken of him some years back. Mr Clark is an American, from Massachusetts I believe, so that you will easily be able to obtain further information of him.

I have just heard the Cap^tn^ Tompkins with whom I had engaged passage for my family to sail the last of February for Norfolk, has chartered his ship for India so that I am yet to look for a suitable conveyance.

It is not my wish to sail till April unless there be a publick motive for it, growing out of our affairs here, or on the Continent, or the expectation of the President that I should sooner come to give more full information on them in conversation than can well be done thus. The season of April is most favorable and the delicate state of my family's health especially Mrs. Monroe's who has been much afflicted with the rheumatism, more than 12 months past, indeed since the fête of the coronation at Paris which I thought it proper for us to attend, makes it necessary that she should be as little exposed as possible to moisture. It is owing to her indisposition and that of my daughter just before we left London (but who is now recovered) that we passed some time at Cheltenham, whose waters are compounded of salts and steel, and have now come here. These waters are a compound of sulphur and steel, and are said to be excellent in the rheumatick complaints. I thought also that by leaving London for a while some good effects might be produced with the Ministry. By being always on the ground inviting and expecting an answer, which they were resolved not to give on my pressure alone, they were kept in a kind of feverish temper towards me, as I presume. By moving into the interior, it may probably abate. In addition to these considerations I was desirous of seeing something of the country and its society before we left it. It is to my absence from London, the lateness of the invitation, the real indisposition of my family on coming here, and its unsettled state that I could not attend the funeral of Lord

Nelson as I intended. I have communicated these circumstances, as the cause of my absence to Sir Stephen Cottrell, as indeed Mr Purviance, who had anticipated it, had already done. I shall however as already mentioned attend the birthday which is I think on the 18th. Be so good as to present our best respects to Mrs Madison. Believe me your friend and servant.

TO JAMES MADISON.

LONDON, Feby 2d 1806.

DEAR SIR,— It is said that a letter is just recd in town from Phila of the last of Decr which states that Mr Adams of the Senate is or will be appointed Envoy Extry to this country to adjust the commercial differences between it and the U States. The gentleman who gave me the information declined mentioning the name either of the author of the letter or receiver, tho' the fact might be relied on. On my part I can form no opinion respecting the report, having recd no letter from you since my return to England to authorize one of any kind. The only letters wh I recollect to have recd (for my papers are with my family who will be in town in a day or two) were one from Phila written on the first intelligence of the seizures, which stated the injury which our commercial concerns had suffered from them, that you were about to start for Washington to meet the President where a consultation would be held, after which I should hear from you fully on the subject, &

one of Decr 4. enclosing the President's message to Congress of the 3^d. When I arrived here in July last from Spain, the seizures w^h had just before commenc'd were pursued with the greatest activity; scarce a day pass'd but some of our vessels were brought in, & the tone of the court was very high in extending and supporting the pretentions of the gov^t on the principle of the order of Novr 1793, as illustrated by the pamphlet called war in disguise. Altho' I was very desirous of sailing soon to the U States, yet I perceive that that measure imposed on me a duty from which I could not shrink. Had I left the country without remonstrating against it, I sho^d have exposed myself to the charge of having deserted my post & cause, which I could not justify on publick considerations, & whose ill effect wo^d be felt not by me alone but the friends under whom I served. The seizures fell mostly on the maritime towns to the eastward, whose merchants would have given my departure as a proof of the contempt in which commerce was held by those in power, who felt for the prosperity of agriculture only. Thus I resolved to take up the business, & having done so, it became utterly impossible for me to withdraw from it, untill it should be concluded. My object was to break the measure and every step which I took was on very mature deliberation with that view. I was satisfied that this government dared not to engage in a war with us, at least while the issue of affairs on the continent was doubtful; that it had made the seizures in confidence that it had risqued nothing by it, that we would submit to it. I was equally satisfied that the

apprehension of such a war would excite much alarm in the manufacturing towns, & produce much sensation in London; on which acct as from the effect it was likely to have on the continent with friends and foes I thought I saw most distinctly that the government wished to avoid every thing that looked like leading to such an issue. It was on these considerations that my notes to Lord Mulgrave were drawn, & among other motives, to appeal to their apprehensions, by which alone I knew they were to be touched, that I intimated my intention to leave the country at an early period for the U States. I knew, as they likewise did, that if I sail'd after the seizures, without settling the principle, & indeed other points, that it would be attributed to that cause, altho I might cautiously place it to another wh I thought would promote an adjustment. My object throughout was to bring about an adjustment, and by no means to leave the country untill the business was settled in some form or other. I mention these circumstances to explain more fully than perhaps I have heretofore done the principles which have governed my conduct. I am aware that my letters authorized the expectation that I shod sail in the course of the autumn, and if not so soon, yet in the last or present month. Still I meant to be govd by circumstances, and think that kept the alternative in my power. My hope therefore was that if any person was appointed to succeed me, or any *new modification of trust made*, that it would not be done, until after my return to the U States, or it was known that I had actually sailed; or

having arranged the business, could by no misconstruction be affected, in point of character, by the measure. I could not nor do I see any objection to this mode of proceeding. I thought it for many reasons the most eligible, especially if the part which I had taken was approved. It left to a fair experiment the effort which I was making without an essential compromitment of the government, who would in case it failed have the means of adopting any other expedient, and pursuing what other course it thought best. It is however not my wish to pursue the subject further in this view. If the measure alluded to is adopted it answers no end to discuss the policy of it. If it is not adopted it most probably will not be, till made necessary by subsequent wants. If it has been adopted it cannot otherwise than have, in the opinion of the world, some reference to my character, nor is it possible that it sho^d affect it beneficially. Where two or more commiss^rs are appointed at the same time, the trust injures none, but reflects honor on them all. Where one is already on the ground, the appointment of another will detract from the first one, w^h no form of communication can prevent, indeed the attribution of it to other and general considerations, not to the defect or misconduct of the incumbent, is considered only as a plaister to the wound it inflicts. If considerations of policy have induc'd the appointment in question I have full confidence that it will be the wish of the government to make it as little hurtful to me as possible. I desire nothing but simple, strict justice; I wish my conduct here to rest on its

own ground, and *indeed everywhere;* that nothing may be left to insinuation; for my enemies to misrepresent and my friends to explain. I wish that my correspondence with Ld Mulgrave may be laid before the congress and even before the publick. If that is done my conduct will be judged of according to its merits, as that of every person ought to be. I would not make this request if I thought that it was likely to produce the slightest inconvenience. You have seen on the contrary, while I considered it as a mere question of policy, in which my character in the light in which I now view it had no concern, that I thought it politically expedient to take that step. I hesitated it is true on that point once, on the supposition that the ministry stood its ground, and that I was to proceed in the negotiation with it; but in the present state there is not the slightest cause for hesitation; while in favor of it, the arguments are numerous & conclusive. These have been heretofore stated and need not be repeated. The motive for the communication explains itself. The congress has a right to know the ground of the controversy & the state of it between the two governments. To give it unasked cannot but be well received.

On the presumption that this appointment has been made, of wh. however there is no certainty, there is some delicacy in speaking of the prospect which is now before us. I shall avoid detracting from the just pretentions of my successor. But I shall be permitted to observe without incurring that censure, that the prospect of a fortunate termination of the busi-

ness is now as favorable as it possibly can be: that the crisis has essentially past: the ministry has completely failed in all its operations on the continent; the allies have been defeated & the coalition broken; and the ministry itself subjected to the same fate. A new ministry is forming, the chief character of which is understood to be favorably disposed to the U States, & who is known as most of those spoken of have done, to have disapproved almost all the measures of the late one. Under such circumstances it cannot be doubted that the prospect of success is good, if not to obtain an explicit abandonment of the principle, yet at least a change in the practice. It has been my fortune to stand the storm, under circumstances of great personal responsibility, the ill effects of which I thought, perhaps improperly, I had contributed in some degree to mitigate; it will be that of a successor to take the ground at a moment of calm, under auspices more favorable, when it is not probable that he will be called on to take any measure of tone, involving high responsibility, or other measure than that of concluding a bargain after the opinion of both parties has in some measure been made up. Be this however as it may it will produce no effect on my conduct. I most heartily wish success to any plan wh. may be adopted, & my best efforts shall not be wanting to promote it.

I have just seen an account of a fete at New York given to Mr. Livingston at which Messrs. Morris & King were present. These gentlemen it seems take great interest in the political prosperity of each other

& I presume under the same impulse. They compliment each other on their skill and success in negotiation & seem to insinuate that their country is menac'd with some great calamity by being deprived of their services at this important epoch, wh. doubtless from mere patriotism they are quite ready to yield. With respect to the first mentioned of these worthies, I mean of the last two, I should be glad to know in what negotiation he ever rendered service to his country. His career on both sides of the Atlantick was of a piece, and in my judgment not very honorable to his country or himself. His present office is a mournful one, being to make orations over departed friends, and from his susceptibility of friendship & other generous and benevolent simpathies, and his service in that line remind me of certain notices which are seen here over the windows of many shops, in these words "funerals performed," which means that persons may be engaged there to attend funerals, to march in the procession & exhibit a spectacle of mourning; with this difference that they take pay, whereas he acts without it, being a volunteer in the cause. The other statesman never accomplished anything here till our present adm^{n} was formed, nor then, but the convention respecting debts, which proves that it was more owing to that cause than to his agency. I presume he does not count his convention respecting boundaries among his brilliant acts. As to his having preserved the relation of friendship between the countries while he staid, I believe that any old woman from our country, would have been

equally successful thro' the same period. The relations were broken in 1793, by this govt. & patched up by his friend Mr. Jay. He came afterwards, & as his term filled up the space of the remainder of the war, & ensuing peace, the whole of which was unfavorable to this country, its affairs having grown continually from bad to worse, there was not much danger of its seeking to add us to the number of its enemies. Nevertheless there was a moment, being that when the coalition revived, & the Duke of York landed in Holland, that this govt. was disposed to violate those relations, (as I am in confidence assured by a person who had an opportunity of knowing & who is otherwise entitled to credit) notwithstanding the presence & all powerful agency of this very skillful negotiator to prevent it. I have reason to believe that a paper emanating from a publick department was written to recommend hostile measures towards the U States at that time, and suppressed immediately afterwards on intelligence that the Duke of York had capitulated. I have also reason to think that Mr. King saw that paper, whence I presume he communicated its contents to our government. With respect to his correspondence with Lord Hawkesbury on this very question, it is to be observed that it appears by the correspondence itself that nothing new was done in that respect. The advocate states in his report what the law and practice actually were, & Lord Hawkesbury communicated that report in that sense only; he made no new accomodation, nor did he hint at one. The correspondence however is worthy

attention in another light. It was in my opinion more a British than an American measure, being intended by this govt. to be used with the northern powers who were then combining agn. on the principles of the armed neutrality of 1780. The example of America so strongly enforc'd, against the principle that free ships make free goods, could not fail to prove highly useful to G. Britain in a negotiation with those powers at that time. You will find that a condemnation of that principle is a prominent feature of his paper in that correspondence. With regard to the other negotiator I shall say but little at present, because his negotiations are sufficiently well known to you. Among my failures I presume he includes the affair with Spain. It is happy for him that considerations of great delicacy & importance, prevent a disclosure to the publick of the part which he acted in that business, or I doubt much whether our honest citizens would be forward, to give their sanction to his high pretentions. I say nothing of his trip here or other adventures. All this however is confidential. I shall never be an aggressor in a contest with either of these men. Of the first mentioned I have not thought for a year past. To the characters of the two last I have observed much delicacy, & wish still to do it. Finding myself in some measure attacked at that feast, I have said so much to defend myself against an insinuation, wh. appears to have had their sanction.

As you may not have rec^{d} some of my letters which explain my sentiments on the subject you will allow me to repeat, that in either case, whether the

appointment in question has or has not been made, I think it highly expedient that the correspondence should be laid before the congress & the publick. In the latter view however it is a point in which I have no personal concern & shall be perfectly satisfied in either result. I have followed your instructions strictly and in a tone which I thought would be approved. Your letter on the subject of the Aurora[1] will I presume accompany the communication, tho' for that I have no motive other than that it may appear that I have acted in harmony with you, or rather have obeyed instructions. The same object may be answered by your review of the whole subject in a general report. By the communication I am persuaded that our suffering citizens will be satisfied that their govt. has done every thing in its power to vindicate and support their just rights & interests, & that ultimate success in a question of great national importance depends on the energies of the nation, on the support & confidence wh. they give to their govt., and not to the cajoling and whining sychophantry of any one who might be sent here. There is nothing more absurd than that any govt. will make important concessions of a publick nature, to accommodate this or that individual. In general a favorite minister means nothing more than that he is the tool of the court where he is, for which condescention he is rewarded by more exterior attentions, more dinners &c., or in other words, by personal not publick accommodations. By this however I do not mean to imply

[1] State Papers, II., 732.

that a minister ought not to cultivate so far as in his power the good opinion of the court where he is. I contend only that that ought to be done & may be done by a conciliating deportment, a candid, manly & honorable conduct, not by concessions of the public interest on any point, or a cringing & sycophantick conduct. I think therefore that the communication will tend to silence the clamors of faction at home, and to unite the people in support of their govt. in whatever measures it may think proper to pursue. I do believe that the attitude which has been taken here, and very judiciously & ably supported by the message to congress, was not only one to which this govt. was not accustomed, but one which it did not expect. I flatter myself that in case no appointment is made, the result will tend to show the inutility & of course the impolicy of sending a person as minister here who is a favorite, because he is considered by them however unjustly a partizan of the country, an enemy to our system of govt. &c., and that it will in consequence contribute still more to unite the people in support of the present admn. & of republican principles. These remarks are applicable to our interior. The other considerations in its favor are, that by making a case with this govt., it will interest on our side the northern powers, conciliate France, an important object in the present state of affairs, and strengthen our pretentions with the new ministry.

In case the appointment is made be assured that I shall attribute it altogether to the expectation which I had authorized by my letters, that I was about to

leave this country & had probably left it, & to the responsibility which the admn. felt itself exposed in having no minister here, at a period of great interest & difficulty. I have written you this letter in great haste & perhaps too little consideration to be suffered to go from me, but as it will be forwarded by the excellent opportunity of Captn. Tompkins who will deliver it in person, I send it in confidence that it will be received in the spirit in which it is written. I am dear sir sincerely your friend & servant.

TO THE SECRETARY OF STATE.

LONDON Feb^{ry} 12. 1806.

SIR,— The arrangement of the new Ministry was compleated, and its members installed in their respective offices, in the course of last week. It makes as you will see [find][1] by the list a thorough change of character as I hope it will of principle, in its measures, at least with respect to us. It is well known that the King yielded to this change with extreme reluctance; that he offered to supply the chief place which had become vacant by the death of Mr Pitt, by Lord Hawkesbury, who did not seem unwilling to accept it, and in other respects to preserve the power in the same hands, with a view as is to be inferred, of pursuing the same system of measures. But the other members of the late Ministry seemed disposed to retire, and as the opposition was not to be broken and

[1] *Cf.* State Papers.

external causes pressed with great force, the change could no longer be resisted. The measure itself being resolved on, the King had the prudence not to embarrass it with conditions that were sure to be ill received or not accepted. He consented at once to commit the administration to the Opposition and authorized Lord Grenville and Mr Fox to form and present to him an arrangement for the purpose. The only obstacle which was understood to have arisen afterwards respected the continuance of the Duke of York in the [chief] command of the forces, which was objected to by these gentlemen. That obstacle however was finally removed, by the King's agreeing [assenting] that the Duke might be assisted, or perhaps controuled by a military council. The new Ministry is composed of characters who have 'till of late, been opposed to each other; from which circumstance as from a knowledge that the King must retain a strong prejudice against some of them, it is believed that it will not remain long in power. The presumption is not an unreasonable one, tho' there are many considerations to authorize a different conclusion. It is not likely that the causes which formed the union will soon be done away. It is more probable that they will acquire greater force. From present appearances those which are external cannot fail to do it, and they must tend of course to produce a correspondent effect internally. If the war continues between this country and France, or the present rivalry in peace, this government will be compelled, to preserve its independence, to arm the whole nation, whence the people must unavoidably

have more influence in its measures. Such a course of things would be apt not only to preserve the union which already exists between many who have been hitherto opposed to each other, but to strengthen it and even to increase the weight and consideration of those who were viewed, for many years past, with most jealousy, and now admitted into a participation of power with the greatest reluctance, in the direction of publick affairs.

As soon as Mr Fox took possession of his office he requested an interview with the foreign ministers which took place yesterday. We were introduced separately. Mine lasted about half an hour. He received me with great kindness and attention, and in fact put me more at ease in that short time, than I have ever felt with any person in office since I have been in England. I have made it a rule of conduct, which I have observed with much strictness, here and on the continent, to look to the government alone as to the quarter where I was to hold, not official intercourse only, but principally the social one. I very well knew that a communication on my part with Mr Fox and his friends, would excite much disgust with the court, and without benefitting him might prove hurtful to my country. I therefore cautiously avoided giving that handle to such as might be disposed to lay hold of it, to turn it to our prejudice. I had hinted this long since to a friend of his, who I suppose had made it known to him. He appeared to understand very distinctly the cause which had hitherto kept us at a distance, and it is not improbable

that he had also acted on it.[1] As soon as the ceremony of the interview had passed, I observed that I presumed he had been too short a term in office to have made himself acquainted with what occurred between his predecessors and myself; [more] especially the last one. He said he had not had time to read the papers, tho' he presumed he had a general idea on some of the topicks. In respect to the immediate question of seizure he asked me whether I had made to them or they to me any proposition? I gave a short sketch of the part which our respective governments had acted since the commencement of the present war towards each other. I told him my government had been ready to form a commercial treaty with his on the expiration of the late one; that it had agreed to postpone it to accommodate his and with a desire that the arrangements which might be formed, being entered into at a time when each had sufficient leisure to attend to the object, and founded on a liberal view of their respective interests, might place their relations on such a footing, as to secure their friendship from interruption, at least at an early day: that in the same spirit it had sought to put out of the way certain causes of a transient nature which might possibly create misunderstanding in the course of the war, Such as the impressment of our seamen, blockades by proclamation, &c. according to a project which had been presented to Lord Hawkesbury, and to both his successors: that those gentlemen never gave any definitive answer to that project, and urged as

[1] As printed in the State Papers (III., 112) this paragraph is omitted.

a cause for their delay, the other and pressing engagements of their government, with which I was well acquainted, as also that its conduct toward the U States in the course of the present war was as consonant to their principles and wishes in the most important points as they could desire it to be: that I left the business on that ground when I went to Spain in the expectation that no change in the existing relations between the two countries would be made in my absence. I assured him that I was astonished to find on my return that on the contrary those relations had experienced the most essential change: that an attack had been made on our commerce on a principle which had heretofore been so completely settled between our governments, and abandoned by his, as to have been a case for which no provision was even proposed in the project referred to. I explained to him the ground of this remark; and informed him that I had written several notes to Lord Mulgrave on the subject, to which I had not been able to obtain an answer, on the main question, tho' he seemed desirous by keeping it open, in his short replies, that I should not consider it as decided against the U States. I could not avoid intimating to him that the friendly disposition which our government had shewn had been most ungenerously requited by his: that it seemed as if it had pursued a just and friendly conduct towards the U States 'till the moment that the new coalition was formed, and gave the present blow when the prospect was favorable to success, and kept the business in suspence to see the result of affairs on

the Continent and in the U States. He heard me with much attention and apparent interest; intimated that he had been accused of being too friendly to America, and when I spake of the treaty with Russia, he observed that he had thought that the arrangement made by it was a good one, tho' I did not understand him as pledging himself by the remark to its conditions. I requested that he would make himself master as soon as in his power of the correspondence between Lord Mulgrave and myself, and give me an interview, which he promised. I am happy to add, on a view of all circumstances, that I think the prospect of arranging our affairs with this government, especially that one which respects the [our] trade with the colonies of its enemies, on satisfactory terms, a very favorable one. It is certain that nothing more favorable to such a result was or could reasonably have been expected from the first interview with the present Minister. I am Sir with great respect and esteem your very obedient servant.

TO JOHN RANDOLPH.[1]

LONDON Febry 20, 1806.

DEAR SIR,—I have the pleasure to enclose you a letter from y[r] nephew, with others to his mother & brother, & to inform you that he is now in perfect health. He had caught a cold on his arrival which stuck to him several days, but has now left him. He is still with my family, but it is my intention to place him with Mr. Braidwood in three or four days from

[1] From the copy courteously furnished by Mrs. James Lyons.

this time. The first object has been to make him acquainted with us, to obtain his friendship, and inspire him with confidence, that whatever we do for him will be done with the best views, and the most deliberate reflection. I called in Doctor Ashley Cooper who is an eminent surgeon and skilful aurist to examine his case, and it is with much regret that I inform you he is of opinion that his deafness is incurable. He thinks that the defect was not a natural one, but proceeded from the disease wh. you mention he had in his infancy. Doctr. Cooper recommended Mr. Braidwood as the person best qualified in England for his instructor; but it has so happened that I have not yet succeeded in seeing him, altho I have attempted it once or twice. He lives between my present residence and the city, and I intend to call on him early to-morrow morning. Shod. anything occur different from what is above presumed, I will add it to this. I am however far from being satisfied that the Abbé Sicard in France has not carried this art of instruction to greater perfection. Admitting the fact to be so, there are considerations of weight in favor of placing him at present with Mr. Braidwood. He understands the English language, and may acquire ideas and facilities by means of it, wh. may be of use to him hereafter shod. it be deemed proper to remove him to Paris. He will be employed while I correspond with our minister and some other friends there on the propriety of that measure. He will be near us, with my family on Sundays, & prepared to accept with confidence the guardianship

of those to whom I may confide it. You shall hear from me again soon on this subject. Essex is well, is with him, & it is my intention that he shall go with him to Mr. Braidwood's to remain till he gets acquainted with the family, and satisfied with his situation. We find him as you have stated, an excellent boy, well tempered, rather hasty but with a good heart. I wrote you so lately fully by Capt. Tompkins on publick matters that I have little to add at present. Two days after Mr. Fox took possession of his office I had an interview with him, in wh. our affairs were touched, and in wh. he manifested a very conciliating spirit. But as it was merely an official interview, and the first one he was too little acquainted with the state of the business to say anything decisive on it. He promised to examine the papers & to give me another interview without delay, wh. I now expect in the course of a few days. I think the business has got into good hands and that the prospect of a favourable result is quite a good one. I am dear sir your friend & servant.

P. S. I have procured St. George many articles wh. he had occasion for and among these a small writing desk, or secry. with which he is much pleased. He folds up and encloses in it yr. letters & some others on which he places much regard, & to which he often recurs. I find him possessed of much delicacy, cleanly in his habits, most affectionate to his relatives & friends, & honorable & manly in his sentiments. My family are becoming much attached to him & you

may be perfectly satisfied & we beg you to assure his mother, to whom we desire our best respects, that nothing will be omitted on our part in care and attention, which we could bestow on a child of our own.

TO THE RIGHT HONORABLE CHARLES JAMES FOX.[1]

PRINCE STREET, February 25, 1806.

SIR, — I have the honor to transmit you a note of the papers which are material in my correspondence with your predecessors on certain interesting topics,

[1] In his official letter to Madison of February 28, Monroe transmitted a copy of his note to Fox suggesting that as the subject was now fairly before the new Ministry, who seemed well disposed in the business, it might be better that no measure should be definitely adopted by the Administration, or if already adopted, not executed until a fair experiment had been made of what we might expect. This, he believed, would tend to conciliate the new Ministry and be productive of good. In his letter of March 31, referring to the delay caused by the Easter Holidays, he writes: "From what I can discern, I think that there is much reason to believe that Mr. Fox has the best disposition to settle our differences on just principles; but it must be recollected that some other of the members of the Cabinet have not always thought with him on such topics. On the most deliberate reflection I am convinced that too much reliance ought not to be placed on these favorable appearances, and that there is cause to fear that if the Congress should separate without adopting a system of coercive policy, calculated to meet the most unfavorable result, their forbearance may contribute to the disappointment of our reasonable expectations. By this, however, I do not wish to imply that measures of the kind alluded to should be carried into prompt execution. I mean only that the attitude should be taken, but its operation be suspended, by suitable powers to the President till he shall be duly notified that the negotiation has failed."

In his letter of April 3, he informed Madison that he had made formal application for orders suspending the seizure and condemnation of our vessels under the rule established by Pitt and Sir William Scott.

In his letter of April 18 he communicates to Madison his gratification at the assurances received: "I met him [Fox] afterwards and had a conversation with him in the Queen's Drawing Room, which being of an interesting nature, I hasten to communicate to you. He took me aside and observed that we must now soon settle our business. . . . He said that we would begin it on Saturday and pursue it without delay."—State Papers, III., 116.

which have been for some time depending between our governments and are still unsettled: These are, 1st. The rights of neutral powers in certain specified cases; 2nd. The impressment of American and desertion of British seamen; and 3rd. The Boundary between the United States and the British possessions in America. The papers referred to will I presume sufficiently illustrate these topics. I shall, however, be permitted to accompany them with some remarks to explain the course which the business has taken and the state in which you receive it.

Aware of the abuses which had been practised in respect to neutral rights and seamen in the last war and of their injurious effect on the interests of both countries my government was very desirous to prevent a repetition of them in the present one. With that view and by its order, I had the honor to propose to Lord Hawkesbury soon after the commencement of the war an arrangement by convention of their interests on such just and fair conditions as was presumed would have been readily acceded to. You will see by the project which I then presented to his Lordship at his request that the object was strictly to prevent abuses and the ill consequences incident to them, not to acquire any advantage to the United States by the establishment of controverted principles in the one, or unreasonable pretensions in the other case. In respect to neutral rights it was proposed to adopt between the governments, in such cases as were more liable to abuse, certain principles or rules of conduct which Great Britain had already assented to in her

treaty with Russia in 1801. As those powers had entered into that treaty for the express purpose of defining the law of nations in the cases to which it applied and as Great Britain had adopted its conditions afterwards in separate conventions with Denmark and Sweden with the same view, it was concluded that her government would not hesitate to admit its doctrine, or to observe its injunctions with other powers. The same motive was felt and respected in the proposition which I had the honor to make in respect to seamen. The sensibility of the government, and indeed of the whole nation, had been subjected to great and almost continual excitement by the abuses which had been committed in that line, on the high seas, in the islands and sometimes in the ports of the United States. The sons of respectable citizens had been snatched from them, many of whom were doomed never to return, to be slain in wars to which their country was not a party, or otherwise perish in a foreign service. No rule has been established by the government to discriminate between American and British seamen, a thing not easily done by the most impartial, and the commanders of many of His Majesty's ships of war and privateers, especially the latter, acknowledged none but their own judgments in making the discrimination. The highest American documents were often either not looked at, or utterly disregarded. It was evidently improper that an interest of a nature so delicate and important, one which is so intimately connected with the sovereignty and independence of the nation should be left longer

in such a state of oppression. My government felt that it would be wanting in what it owed to its character as in its duty, if it did not endeavor to put an end to a practice so injurious and at the same time so degrading. It was therefore one of the objects of the project referred to, to provide a remedy for that evil. But it was understood that Great Britain complained likewise of an injury in respect to her seamen, though of a different kind; for that also, it was proposed to provide an adequate remedy. In protecting American citizens from impressment, my government was far from desiring to extend its protection to any one who had not a just claim to it. It was ready to meet the injury complained of by Great Britain, and to suppress it by the most effectual means in its power. These propositions were neither accepted nor rejected by Lord Hawkesbury, though I think myself perfectly correct in stating that nothing occurred in our conferences, to justify an inference that he thought them unreasonable. They were postponed from time to time at his instance and finally transferred to Lord Harrowby, his successor. I revived the subject immediately with Lord Harrowby to whom I also submitted at the same time a proposition relative to boundaries. It happened that Lord Hawkesbury and Mr. King had made a convention on this latter subject within a few days of the time when one was also concluded between the United States and France, whereby the province of Louisiana was ceded to those States. As it was not known to Lord Hawkesbury or Mr. King, when they formed their treaty, that one

had been concluded with France, it was impossible that the conditions of the French treaty should be in any degree affected by that with Great Britain. It was, however, apprehended that if the British treaty should be ratified by the President and Senate, after the conditions of the other were known, without providing against it, it might lay the foundation for such a pretension. It was therefore proposed to modify the convention in such a manner as to preclude a claim which would be equally unjust and unauthorized. As this subject is fully explained in my note to Lord Harrowby of the 5th. September 1804, it is unnecessary to enter further into it at present. The conduct of Lord Harrowby in this business was essentially the same with that of his predecessor. It was postponed from time to time for the consideration of the Cabinet whose decision I was taught to expect but never received. I had been ordered by my government, before Lord Harrowby came into office, to repair to Spain on a special mission, as soon as the business with his Lordship should be concluded. Of that fact, after waiting some time, I gave his Lordship information, in the hope of promoting dispatch. Still, however, the business was delayed, the Cabinet, as I was informed, having come to no decision on any point, till finally it was agreed between us, to postpone the whole until my return from Spain, when it should be resumed and concluded. I left Great Britain in October 1804 and returned in July 1805.

At the epoch referred to, the relations between the two countries were of a character the most friendly.

Not an American vessel had been condemned on any principle which was relied on by my government and only one that I knew of on any principle whatever. Their commerce with each other was, as it always will be when left to its natural course, most flourishing; and that which the United States claimed, as a neutral power, with other nations on a footing which was perfectly satisfactory to their government. At my return, however, the scene was completely changed. A system of seizure and condemnation of American vessels had been commenced on a principle respecting which, it was presumed, that no new discussion could ever arise; one which was considered as having been so completely settled between the Governments that in the project, above referred to, it was not contemplated to make a provision for it: a principle which had been renounced by Great Britain in her treaty with the United States in 1794; which had been condemned by the Commissioners who sat under that treaty: which had been renounced by the Court of Admiralty in a subsequent decision; by Lord Hawkesbury in a formal communication with my predecessor in 1801; by the treaty with Russia in the same year; and, what is perhaps still more conclusive, by the government, in the sanction which had been given to that commerce for the two preceding years of the war. I could not otherwise than be much surprised at a proceeding which I considered objectionable in so many views, and hastened to remonstrate against it to Lord Mulgrave in several notes whose dates are annexed. To these his Lord-

ship never honored me with a conclusive answer, with one which acknowledged the measure an act of the Government or disclaimed it on its part. The proceeding has been highly injurious to the United States; about one hundred and twenty of their vessels have been seized, several of which were condemned, all taken from their course, detained and otherwise subjected to heavy losses and damages. To the immediate sufferers it has been very disastrous; but the ill effect has not been confined to them only. It has been severely felt in the general commerce of the country.

I have thought it my duty to give you above a sketch of the several topics depending between our governments, which are submitted to your consideration. They are all of a nature very interesting, as I am persuaded you will find by a perusal of the documents referred to. But the late seizure and condemnation of American vessels are acts which have proved so highly injurious to the United States, and have so essentially changed the relations which subsisted between the countries, that they will, I flatter myself, obtain from you a more immediate and particular attention. I beg you to be assured that I shall be happy to have it in my power to transmit to my government without delay, such communications on your part, which may serve not only to heal the wound which has been thus unexpectedly received, but to promote in other respects, by suitable arrangements, the reciprocal and permanent interests of both nations and the best understanding between their governments.

I beg you to accept the assurance of the high consideration with which I have the honor to be, Sir, your most obedient and most humble servant.

TO JAMES MADISON.

LONDON Feby. 28. 1806.

DEAR SIR,—A bill which has been presented before the H. of Reps. has produced much sensation here; I cannot say anything positive as to the effect as the principle of the bill seems to find no support in the country among the people.[1] On the presumption that a particular measure alluded to in mine of the 2d by Capt Tompkins had taken place, I was desirous that a certain other one should be taken illustrative of the motive in respect to me. But as it does not appear to have been taken I feel no personal motive for it; and as I do not see in the present state of things as hinted in my publick letter that the publick interest will certainly be aided by it, I shall be glad that that measure the last one be not taken. I write you in great haste & can therefore only add that I am your Friend & servant.

P. S. The President's message of the 17th ultº in connection with the first one places the affr on proper ground. They make a sufficient case with this govt in the eyes of the world, and mingling at the present moment a spirit of conciliation towards those now in power, the ultimate result had I think better be left dependant on what is done here.

[1] Representative Gregg's non-intercourse or non-importation resolution was introduced January 29, 1806; that of Representative Nicholson February 10.

TO BARING BROS. & CO.

LOW LAYTON March 4. 1806.

GENTLEMEN,—I have the honor to enclose you two letters from General La Fayette to me, relative to an additional accommodation by way of loan which he is desirous of obtaining of you. The important services which he rendered to the U. States make it my duty to bring to your view, his wishes on a topick which is so interesting to him. Having due sensibility however to the attention you have already shewn him, I am far from wishing you to make him any accommodation which may be attended with inconvenience to yourself. All that I can promise is that if you think proper to make him any other advance, I will immediately communicate it to my govt, who will I doubt not see that the reimbursement is made secure, by the property which has been awarded to him by the Congress. Having an opportunity to write him I will thank [you] for an early answer to this communication.

I have the honor to be Gentn with great consideration &c.

TO GENERAL ARMSTRONG.[1]

LONDON March 11. 1806.

DEAR SIR,—In the beginning of Feby I received yours of Jany the 7 by Mr Caldwell. It was the policy of the late Ministry to give no positive answer to my remonstrances, but to keep the business in a state which reserved to itself the liberty of acting as it thought fit

[1] From Letter-book, Library of Congress.

ultimately, while it exposed me to the danger of much reproach, with being chargeable with everything adverse to us (and it is certain that their whole system would have been of that character in a certain result) had I sail'd and left the business unsettled. The Minister never put it in my power to say that my remonstrances would not have their desired effect. I could not justify my departure on that ground, or give our government assurance that an accommodation was unattainable. By departing I might deprive it of an opportunity of obtaining one at a moment which might be favorable to it. A subaltern at an out-post, should never leave it 'till he is driven away or withdrawn by his superior, especially while there is anything to do. Such was really my case. Had I gone it appeared as if I should have deserted a very important station without being able to offer sufficient reason for it. Thus the business stood till the death of Mr Pitt and the changes of the Ministry. Since Mr Fox came in, I have seen him several times and find him very well disposed toward us, but the time has been too short and the topicks too important, especially that of the colonial trade, to admit anything being definitely settled. I flatter myself however that the business may be adjusted to the satisfaction of both parties. It is before the Cabinet and I hope soon to know the result of its deliberations.

I thank you for the information respecting our affairs with Spain. On that subject I have never changed the opinions which I entertained when I saw you neither as to the causes which prevented an

adjustment at Madrid, or the means necessary to secure one since. I suspect that our government determined to submit the business in the state in which that negotiation left it to Congress and to take the course afterwards, which should be warranted by the sense of that body and the Nation. I presume it has before this adopted its course, of which however I know nothing, having not received one word from it on the subject since I left Spain. Should anything occur respecting it, especially of a nature which it might be useful for me to know here, or you might wish me to impart to our government, I hope you will inform me of it. I propose to sail as soon as our affairs here [are] settled.

It is important to know whether you think the French government is desirous of peace with this, and will make any advance to it, in consequence of the change of Ministry, or having other objects in view either with this country, the Turkish Empire, or the East, prefers to continue the war. I think this Ministry disposed to peace, tho' the state of our own affairs, has rendered it impossible for me to ascertain anything direct on the subject. It may be advantageous to our country to ascertain what we can and to communicate it in confidence.

I think the tone of our government has been sufficiently decisive since the meeting of Congress to let it be seen by the powers with whom we have certain relations, that if they invite war by injustice and aggression we shall not shrink from it: that we are not that sordid race which they have been willing to

believe us. Peace is certainly desirable but I trust and think that we shall not sacrifice the slightest shade of the publick honor for the preservation of it. In fact the present is a very favorable moment to place our relations with the West Indies on a safe and just footing. Have you ever entered into that subject;—I mean in a commercial view with the French government, applicable to peace as well as to war, and what seems to be its disposition?

The treaty between this country and Russia of 1801, by the 2. sec. of the 3. art. secures to neutrals a trade with enemies colonies and in the production thereof, thence to other countries, they having become neutral property. By a declaratory article entered into Oct? of the same year, the direct trade between such colony and its mother country is prohibited, but every other trade is licensed, such for example as between the neutral country and the colony, and from the neutral to the parent country. As soon as the late coalition was formed G. Britain supposing that the Northern Powers would be otherwise too much engaged to pay attention to the subject, made a stroke at us, in the hope of getting rid of the whole principle. If the United States standing alone can replace the affair on the ground on which it stood before the seizure, that is, secure the Russian principle it will be doing much for themselves and perhaps more for France and Holland, as we shall supply them with West India productions. But by admitting that such productions must become neutral property some countenance is given to the pretension

that the flag is not a sufficient protection. You perfectly understand this delicate topick in all its relations. Would the admission of the principle in all cases in the present state of affairs injure us where you are? The most that we can hope for is to restore the commerce to the footing on which it stands under the Russian treaty, and I think the advantage to be derived from such an arrangement secured by Convention, must be sufficiently evident to France, to make her government take an interest in it. It is very important to me to have your opinion on this point, which I trust you can form on satisfactory evidence without compromitting us. It is well worth the expence of a special messenger to communicate it without delay. This is peculiarly confidential. The prospect of an accommodation here you will either keep secret or make known as you find it most adviseable.

I am with great regard, dear sir, &c. &c.

TO THE MARQUIS DE LA FAYETTE.[1]

LONDON March 16. 1806.

MY DEAR SIR,—I had the pleasure to receive your two letters sometime since which obtained the attention which any communication from you or in which your family is interested will never fail to command. The object in which you desired my co-operation is happily accomplished. The house of Baring has

[1] From the *Bulletin of the New York Public Library.*

agreed to advance you on loan the sum of one hundred thousand livres in addition to what you have already recd. I asked it of them in a manner to let it be understood that the accomodation would be felt by my government, who never ceased to take a deep interest in your welfare on account of the important services which you had rendered to the U States. By their reply, a copy of which is enclosed you will find, that they have yielded the accomodation in a manner which is equally flattering to you & respectful to the U States. You will also receive within a letter to our friend Mr. Parker wh. contains an order in his favor for that sum to be applied to your use. I most earnestly hope that this sum will put you at ease, and profiting of the experience which you have had you will make such an arrangement of your affairs by means of it, as will protect you from all future anxiety much less embarrassment on that head. The land granted to you by Congress must be pledged for the reimbursement of this money with the interest. Œconomise your expences without expecting any thing further from that source for a few years: in that time it is hoped that your friends in America may be able to make it the means of replacing this money & furnishing an additional income for your support. You will know that they will pay all the attention which you could desire. Mr. Parker will I am satisfied take as much pleasure in executing this trust, as you can possibly derive from it.

My family have been in delicate health since our return to Engld. They will probably not recover their

health till we get back to our own country, wh we intend doing in the course of this spring or summer. We intended to have gone long since, but circumstances of an imperious nature prevented it. They desire their best regards to Mdme. La Fayette & your daughters, to which you will be so good as to add mine & to be assured of my constant & sincere friendship.

P. S. I inclose this to General Armstrong & commit it to Dr Morris a respectable young American, who will probably deliver it to you in person. Should he be the bearer I beg your kind attention to him.

TO BARING BROS. & CO.

Low Layton March 18. 1806.

Gentlemen,—I have recd your letter of the 14th & transmitted yesterday to General La Fayette by an American gentleman going to Paris, the order which it communicated for the sum he had requested of yr house on loan on the credit of the land which had been granted him by Congress. I shall immediately communicate to my government this strong proof of your disposition to befriend a family in whose welfare the U States take a deep interest, and have no doubt that your reimbursement by means of the funds relied on so far as depends on it will form a particular object of its care.

Major Thos Sumter lives in Statesborough, a town in the upper part of So Carolina. He is the son of General Sumter of the U States service. I send you

a letter to accompany the draft, which I wish to be forwarded without delay. I am gent[n] with great respect &c.

TO JAMES MADISON.

LONDON April 29. 1806.

DEAR SIR,—I had the pleasure to receive your letter of the 11th ult[o] on the 25. by M[r] Prentis. I find by it that the measure of especial mission to this country was likely to be adopted, on the subject of our affairs depending with it. Should that have been the case I beg you to be assured that I will do everything in my power to give it effect. It is certainly my desire to get home as soon as I can with propriety, but no object of a private nature is so urgent, and very few could be, to induce me to leave this country at such a crisis, if my services can be of any use. I was informed in the commencement of Feb[y] by a merchant here that a letter had been rec[d] from Phil[a] which stated that such a measure was contemplated if not adopted. I own the intelligence gave me much concern for reasons which I took the liberty to communicate to you in a letter by Cap[t] Tompkins of the 2[d] of that month. I have been however too well aware of the considerations which recommended the measure, founded in the practice of the gov[t], the expectation of the parties interested &c. not to have seen the difficulty of resisting it, and where publick motives of weight recommend a measure I am far from being disposed to attribute it to any other, especially a want of friendship for me. I have therefore only to repeat the

assurance that if it is adopted I will do everything in my power to give it effect, and in the mode so far as respects my agency, which may appear best adapted to the end.

This measure has for some time engaged the publick attention here, but never till my last interview with M[r] Fox on the 25th did it form a subject of conversation between us. He asked me as soon as I entered whether it was true as he had heard (I presume of M[r] Merry) that M[r] Burr or M[r] King was to be sent here on the business in which we were engaged? I replied that I knew nothing of it otherwise than from the Gazettes; that such measures had been repeatedly adopted by our government in similar cases & might in this, that if I knew it was done I should find a motive in it to intermit my agency with him; but as I had no reason by any communication to credit the report, I did not, and therefore felt myself at liberty to pursue it. M[r] Fox shewed no disposition to delay the business on account of the information he had received. His remarks were indeed of a different character. It was on my return from this interview that y[r] letter was presented to me by M[r] Prentis. Had I received it in the morning, & the interview taken place, & the same subject been touched, as it would of course, the suspension of further proceeding for the present might probably have resulted from it. Thus this business as you will perceive is plac'd in a situation of peculiar delicacy. I hope therefore that if the measure has been adopted, the person who is appointed will soon be here, or if it has been declined, that that fact may

soon be known that I may be able to take advantage of it with this government. In the latter case you will doubtless give me instructions not on the question of indemnity only, but on all the points which may be involved in a treaty for the general regulation of our commerce, should the opportunity to form one prove favorable.

My family at present enjoy good health. On their return from Bath I took a house in the neighbourhood of London, at which we have since resided to avoid the atmosphere of the city during the unfavorable season. I keep an apartment in London where I attend two or three times a week on business. Mrs Monroe and my daughter unite with me in our best respects to Mrs Madison. I beg you also to present mine to the President. I am dear Sir very truly your friend & servant.

TO THE SECRETARY OF STATE.

LONDON May 20, 1806.

SIR,— I had supposed that it might be possible to have some conversation with Mr Fox last night at his house, on our affairs, especially on his note of the 16th instant; but in this I was mistaken. The occasion was not a favorable one, being an assemblage of a vast crowd, and he apparently indisposed, as he retired early in the evening. I asked Sir Francis Vincent the cause of the delay to which our affairs were exposed? He said it was not owing to Mr Fox. As he did not mention the interview which he had

promised to arrange for me, I concluded that he had not done it. I made no direct enquiry on that point but took occasion to remark that I presumed M[r] Fox was not desirous of meeting me 'till he was prepared to act. He replied that he was not authorized to say so, but would confer freely with him on the subject and inform me of the result. Alluding to our non-importation bill and presuming it had passed he said he thought it a strong measure. I thought otherwise and flattered myself that the distant period at which it was to commence would be considered by his gov[t], as I was satisfied it was intended by ours, as a strong proof of its disposition to arrange the business amicably. I told him that I was persuaded that if it had been known early in the session of Congress that the Ministry had changed, no such measure would have been resorted to, as our gov[t] would most probably have deemed it unnecessary with the present Ministry, whose disposition was believed by it to be just and friendly toward the U States. But as the subject had been taken up and acted on before the change was known it seemed to be impossible for the Congress to dismiss it altogether, without incurring the suspicion that the object was deemed unimportant by it, or that no effort would be made to support our rights: that the strong proof which our gov[t] could give under existing circumstances of a friendly disposition towards G. Britain, and of its confidence in a similar one in the present Ministry had been given by the late period to which the commencement of the act was postponed. He did not consider it as any

obstacle to an amicable arrangement. I had much conversation with Lord Holland who told me frankly that he viewed that proceeding pretty much in the light that I did: that in fact there seemed to be no other way of acting than "by letting the affair down easy" after what had been done. I mention these remarks of Lord Holland from the circumstance of his being the near relative and confidential friend of Mr Fox, and an influential member of Parliament. From what I could collect I have been strengthened in the opinion which I communicated to you in my last that Mr Fox's note of the 16. was drawn with a view to a principal question with the U States; I mean that of the trade with Enemies Colonies. It embraces it is true other objects, particularly the commerce with Prussia and the North generally, whose ports it opens to Neutral Powers, under whose flag British Manufacturers will find a market there. In this particular especially the measure promises to be highly satisfactory to the commercial interest, and it may have been the primary object of the government. You will observe that I have not considered the note as a reply to mine, or as being any way connected with them. It was not communicated to me as such and it was evidently improper for me to consider it in that light. In directing the publication of it I have expressed no sentiments on the contents, but left them to the criticism of the publick.

With respect to the delay to which I am exposed it is utterly out of my power to explain to you the cause. I have no reason to change the opinion which

I have heretofore expressed of Mr Fox's disposition on the subject, tho' I have had no late communication with him. His present reserve is unfavorable, but it may be otherwise accounted for, and on principles which are quite natural and therefore presumable. He may have experienced more difficulties in the Cabinet than he had expected. Many of the members may be indisposed to an arrangement on such terms as can be accepted; and most of them willing to postpone any decision until the result of the proceedings in Congress is known. Under these circumstances he may find it most eligible to avoid any further communication with me for the present. It becomes therefore very difficult if not altogether improper for me to press the business at this time. It seems to be my duty to postpone such pressure to the same epoch;—that is, till the final proceedings of Congress are known. I shall doubtless receive with them the instructions of the President on the whole subject, which I beg to assure you I shall use my utmost exertions to carry into effect. I am Sir with great respect & esteem, your most obedient servant.

NOTES RESPECTING OUR DIFFERENCES WITH SPAIN.[1]

[May 28, 1806.]

The relations between America & Spain are rendered so obscure by the party papers of the U States as to make it difficult to form a correct opinion of

[1] "Indorsement by Monroe: Intended for publication in *Morning Chronicle*, but suppressed. Written by me." [Indorsement.]

them. It is interesting to be acquainted with the cause of the dispute and the present posture of affairs between those powers. The following sketch is intended to throw all the light on that subject which we have been able to obtain. It is taken from American documents and believed to be essentially correct.

The controversy arose from two causes, first from interfering claims respecting boundaries, & second from Spanish spoliations on the American commerce during the last war. The dispute respecting boundaries originated in the cession of Louisiana to the U States by France. The limits of that province had not been defined in the late treaties respecting it. Its transfer by Spain to France & by the latter to the U States, was made by a general description of territory, not a special demarcation of limits. Had France retained the Province it is presumable that there would have been no dispute on that subject. But as soon as the U States acquired it, that became a serious question between them and Spain. The boundary of Louisiana was equally undefined to the East and to the West. It is said that America insists on its extension eastward to Pensacola, the antient limit of Louisiana, which would comprize West Florida in the cession made by France to the U States; and that it extends to the province of Mexico to the West. On the other hand it is said that Spain contends that Louisiana is bounded by the river Iberville to the East, which would leave W. Florida in her possession, and that it ought to have to the West also a more contracted boundary than the American

government thinks itself entitled to. Both parties agree that East Florida belongs to Spain. I do not enter into the merits of this controversy, since they are not material to the objects of these remarks.

As soon as the American gov^t^ became possessed of Louisiana it was desirous of adjusting amicably these points with Spain. It was deemed by it particularly important to extinguish the Spanish claim to all the territory lying Eastward of the Mississippi, which as already observed comprized by an unquestionable title East Florida, & by some plausibility West Florida likewise. Both these provinces lie within the limits of the U States—Louisiana bounds them to the South & the West, & the State of Georgia to the North. It is only on the side of the ocean that they are not completely surrounded. While Spain possesses that territory there is danger of its becoming a cause of war with the U States, as it must be continually of jealousy & disagreement between them. Several important rivers which have their sources in the Southern States empty into the Gulph of Mexico thro' the Floridas. That circumstance together with the proximity of troops & rivalry of commercial regulations, not to mention other causes, seemed likely to prove fruitful sources of discord. These were doubtless among the reasons which made the acquisition of the Floridas important to the U States, and it was both just and prudent in their gov^t^, with a view to further harmony with Spain, to endeavor to settle at the same time every other cause of strife with her. It is well known that the American government sent

a special embassy to Madrid in 1804, with full powers to arrange the whole business. It is equally well known that the Minister to whom that delicate & important trust was confided having considered the claims and pretentions of the court of Spain altogether unreasonable and exorbitant on every point, refused to accept them ; as that in consequence thereof he put an end to the negotiation, withdrew from Madrid, & submitted the result to his governmen! The departure of M! Monroe the American Minister at this court, in the autumn of 1804. on this embassy, & his return from it in the summer of 1805., are well remembered.

The conclusion of the negotiation at Madrid was considered as a signal of an approaching war between the U States & Spain. Their diplomatick intercourse was in great measure suspended. The Minister who had been appointed to succeed the ordinary resident at Madrid, at a time when no doubt was entertained of an amicable arrangement, hearing the result on his arrival at Lisbon, came here, and afterwards went to Paris to attend the orders of his government respecting it. The meeting of the Congress was therefore looked to as an epoch which would be decisive on that point. In this stage the controversy became interesting to France who it is understood interposed to prevent a rupture. The interposition is said to have been at the instance of Spain & in a manner which was quite conciliatory and friendly to the U States. Its effect has been to open a new negotiation at Paris, by the Ministers on the ground, which has just

commenc'd & whose result is of course problematical. In the meantime the attitude of the American government, remains unchanged. The status quo is preserved by it with dignity. A Spanish post which had advanc'd within the unquestionable limits of Louisiana, has been driven back by the American troops in that quarter, and the force of the U States encreased there, by order of the President, to be prepared to act in case the negotiation fails. There was nothing improper in accepting an invitation to treat at Paris. The sum of two millions of dollrs which it appears the Congress has subjected to the disposition of the President in that negotiation, is appropriated to the purchase of Florida a territory half as large as Spain, & which it is important to the U States to possess. The suggestion that any portion of it is to be given to France for her aid in the negotiation is utterly void of foundation. Suggestions of that kind shod always be received with caution, especially under govts that are free, where party spirit is high and exaggeration too frequent if not unavoidable.

To purchase territory is a legitimate mode of acquisition for nations as well as individuals, and has been always practiced. It is also an honorable one much more so than that which has been usually resorted to. The opponents to this doctrine will find it difficult to prove that it is more honorable to acquire the property of another by robbery & murder than by paying for it a fair equivalent. If the American government makes a bad bargain or in other respects submits to dishonorable conditions, a high responsibility

awaits the act. Besides it is more than probable from what we have seen of the divisions of Congress on the subject, that such a treaty would not be ratified. There is however no cause to apprehend such a result. The career of President Jefferson has been so far, too eminently useful to his country & honorable to himself, to justify the anticipation of it.

It was natural to expect that the conduct of the court of Spain in the negotiation at Madrid, especially in refusing to indemnify the citizens of the U States who had been plundered by her privateers in the last war, would have roused the resentment of the whole nation, when it was made known to the Congress by the President. And such would doubtless have been the effect had it been left to its natural cause. We have seen however that the dilemma with Spain is not the only one in which the U States have been of late involved; that their relations with this country have been more disturbed than were those with Spain, by a cause which was more deeply & extensively felt by the whole community. The cause alluded to is the condemnation of American vessels by the Admiralty on a principle which their government had understood to have been amicably settled & relinquished by G. Britain in the treaty of 1794; on the faith of which a great proportion of the capital & industry of that young and thriving country had been employed in the trade embraced by it. It is known that the condemnation was followed by the indiscriminate seizure of all the vessels that were engaged in that commerce, amounting, as it is said, in the ports of G. Britain to more than 100, and

in the Islands & other colonies where the authority of the government is less felt, and order less observed, to perhaps a greater number. We have seen all the great commercial towns from Boston to Charlestown rise with one voice in remonstrance against that measure, as a surprise on their lawful trade and an unjust aggression on their rights. Had the American Executive & Congress been disposed to push things to a greater extremity with Spain, this proceeding was doubtless eminently calculated to prevent it. And that they were even so disposed has been sufficiently evident by the messages of the President to Congress and by what has transpired of the proceedings of that body since the commencement of the session. By these it has appeared notwithstanding the heavy pressure of this country on the vital interest of the U States, for such their commerce is, and the general discontent and complaints of the people in consequence of it, that the party for pushing matters to an extremity with Spain was a strong one. Had we pursued a more friendly policy towards that country there is good cause to believe that that sentiment would have been universal.

The conduct of the American government throughout this interesting epoch has been evidently a conciliatory & pacifick one. It has shewn a becoming attention to the rights & interests of the nation & a determination to hasard much in support of them, should the emergency ultimately require it. But it has presumed that such an issue might be avoided, & justice obtained without it. Towards this country especially

it has invariably preserved a friendly attitude. Notwithstanding the unpleasant incident above mentioned our amicable relations have not been in the least interrupted. America has sought an arrangement of all the points by negotiation & still is disposed to adjust them in that mode. At one moment it is true affairs seemed likely to take an unfavorable direction, & there was cause to apprehend that the two countries might be plunged into a dilemma which could not fail to prove highly injurious to both. But the present Ministry are not a party to the controversy & have no such motive for supporting it. They are in a situation to examine all the topicks which belong to it with moderation & to decide on them with impartiality. On the part of America, it is certain that a knowledge of the change, & of the arrangement of character which was brought into the new Ministry, produc'd an immediate & sensible effect. It contributed much to calm the passions which had been excited, and to inspire a confidence among all classes that every point in discussion between the two governments would be fairly and amicably adjusted. It is also certain that the expectation of such a result founded on the same circumstance has been cherished with equal confidence on the part of G. Britain. We shall close these remarks with the expression of an earnest wish that this expectation or rather solicitude so highly honorable to the parties, for the accomplishment of an event which we are persuaded would prove equally advantageous to both, may be speedily realised.

TO THE SECRETARY OF STATE.

LONDON June 9. 1806.

SIR,—On the 31. ult° accounts were received here from the U States that the President and Senate had adopted the measure of a special mission to this country in which Mr Pinkney and myself were associated. These accounts which appeared to be well authenticated at first, have been confirmed since by letters to individuals, so that the fact seems to be unquestionable. I have not received official information of it but expect it from you daily.

A suspension of further proceeding in the business in which I have been engaged, seemed to be the natural consequence of this measure as soon as it was known. It has accordingly already produced that effect, and will probably preserve it in the same state, 'till Mr Pinkney arrives. I hope therefore that I shall soon have the pleasure of seeing him.

My former letters, the last of which was of May 20th, shewed how this business stood at that time. I have since seen Mr Fox twice, on the 4th & again on the 7. instant. The first interview was at his own house, on the anniversary of the King's birth, in a general rendezvous of the Diplomatick Corps. In that we touched on some interesting subjects particularly the outrages lately committed at New York by the British cruizers, our Non-importation act, and the affair of Gen. Miranda. But as we could not treat those subjects with advantage in a crowd, it was agreed to postpone the consideration of them to the 6th when I promised to attend him at his office for the

purpose of entering more fully into it. The interview was afterwards deferred by him to the 7th when it took place.

Altho' the object of this latter meeting was special yet it naturally brought into view the other topicks in which we had been engaged, and with them that of the appointment above mentioned. Mr Fox asked me soon after we met whether such an appointment was made? I told him that I had no official information of it but I believed that it was. He said that Mr Merry had informed him in his last letter that the measure was decided on, but had not been communicated to the Senate. What effect, added he, will it produce in our business? It was evident that he thought it ought to suspend it. It was of course useless for me, had it even been proper and I of a different opinion, to express it. My answer therefore corresponded with his expectation. I availed myself of the opportunity to assure Mr Fox that Mr Pinkney was every way qualified for the trust, and that I was persuaded he would be well satisfied with the appointment.

The general subject being thus disposed of, we proceeded to those which had been touched in our communication of the 4th. I told Mr Fox that the outrage in the case of the unfortunate victim John Pierce, had been committed, as appeared by the affidavits published, within the jurisdiction of the U States. I stated that the harbour of New York had been blocked up by those frigates as if it were an enemy's port: that they did not appear to have taken their

station there for hospitality or shelter, but for invasion. I told him of the outrages which had been committed in the same port in the autumn of 1804, by the same frigates, as of the conduct of his government in that respect, recalling in the first instance the officer who had given most offence, but finally promoting him to the command of a ship of the line. Mr Fox said that he wanted information respecting the late unfortunate event : should it appear that the officers had acted improperly, due attention should be paid to the subject. He added that he had already written to Mr Merry in that sentiment, and would also express it in a letter to me. In speaking of the non-importation act, he expressed his regret that it had passed. He said that it had the air of a menace, and that it was not agreeable to do things by compulsion. I reminded him how long we had complained of injuries which his government had not attempted to justify : injuries which were not imaginary or perspective, but real and severe, which affected equally the honor and the interest of the U. States : I added that under such circumstances his government had no right to complain of the act referr'd to. I assured him however that I was of opinion, if the Ministry had not changed, that a bill of a very different import would have been adopted : that I had reason to believe that the tone of our govt and of the Congress, had been essentially moderated, by the information which I had given, of his assurances that our differences should be settled amicably and on just principles : that the act which had passed in

consequence of that information was little more than a declaration to the citizens of the U States that the object would be duely attended to. I observed that he must be sensible, after the subject had been taken up by Congress, as it was before the change of the Ministry was known, that it was impossible for that body to dismiss it without some expression of its sense of the rights of the U. States in the question in dispute, without exposing itself to the charge of having abandoned them. He seemed finally to admit that the Congress could not well have avoided doing something in the business, and that the measure which had been adopted ought to be considered as a moderate one. I was glad to hear this sentiment from Mr Fox, because I had feared that he would urge the passage of the act, as a discharge from the obligation, which his communications with me, had in a certain degree imposed on him, in respect to the conditions on which he was disposed to make the settlement, and in which in some particular and interesting points, he was precise and explicit.

I then observed to M. Fox that I should be glad if he would state in the letter which he had promised, his willingness to resume the business when Mr Pinkney should arrive, and with a view to conciliation and dispatch, objects which merited attention at the present time, that he would also advert in it, to the several subjects which we had had under consideration, in the sentiments which he had expressed in our conferences. He seemed to be aware that the proposition was a reasonable one, and promised without hesitation to

comply with it; but says he "I am afraid that I cannot be very distinct in it." I replied that I should leave that to himself, but that I presumed he could easily recollect what had passed between us on each point: that in respect to the trade with enemies colonies especially, I did suppose that it had been intended by the late order to place it on the ground of the Russian Treaty, and that he might go with safety in his letter as far as the order went. He neither admitted or denied the fact explicitly, tho' he did not seem willing to give his sanction to the inference I had drawn. I criticised the order as well as I could from memory to shew why I had made the inference without however expressing any approbation of the order. He said it was true that the produce of enemies colonies might, under the exceptions stated on the order, find admission in neutral vessels, into the enemies ports, but yet he did not seem willing to admit that that was the particular object of the order. I did not press this point further because I saw no motive for it, I concluded however from this conversation, as I had done from what had occurred before, that this measure had been taken to prevent the further seizure and condemnation of our vessels on the principle in discussion between our governments, and that the acknowledgement of it had been withheld from a consideration mentioned by M[r] Fox in one of our conferences, that such acknowledgement would be to give up the point in negotiation. Several circumstances independent of those alluded to support this idea. It is not necessary to state them, because I trust that the business

will 'ere long be placed on a much more solid footing.

Of General Miranda's affair Mr Fox asked me on the 4th what I thought? It appeared to me to acquire some importance by the late accounts. He thought so. What said he, would be the consequence of his success? He presumed that G. Britain and the U. States would be the principal gainers. I was of the same opinion. On the 7th after he had had time to reflect on the subject, I asked him what part his government intended to take in it? He said that it was delicate business to interfere in. By engaging in it, the difficulty of making a peace might be encreased, if the object was pursued, and it would not be agreeable to abandon the people after promising them support. Of peace however he added that there was not much prospect at present; tho' in expressing that idea I thought he did it with less force than on a former occasion. I inferred from that circumstance that there existed some correspondence between this government and that of France on the subject. I am with great respect and esteem Sir, Your very obedient servant.

TO THOMAS JEFFERSON.[1]

LONDON June 15. 1806.

DEAR SIR,—If I was not personally your friend and did not wish success to your administration, from the interest I take in your welfare, as in that of my country, I should not write you with the freedom I

[1] Endorsed: "This letter was never sent."

propose to do in this letter. It is my intention to enter fully into some topicks which are of very high importance to your reputation as to the best interest of the U States, & I do it in confidence that you will see in it a proof of the sincerity of the motive which prompts me to it. I commit this letter to Mr Bankhead who is on the point of setting out for the U States & will deliver it in person or cause it to reach you in safety. I shall write in too much haste to observe method, but as it will be on subjects on which my mind has long been made up, I hope to make myself fully understood.

Mr Sullivan, Mr Bowdoin's secretary, arrived here last night from Paris to make known to me the actual state of our affairs there, and to ask my advice respecting them, more especially, the part he ought to act, in the course he thinks them likely to take. He complains not of personal disrespect and insult alone from his colleague, but avows explicitly a suspicion of his integrity. He thinks that that gentleman is treading in the steps of his predecessor, & that he is connected with the stock jobbers who hope to derive a profit from any treaty which we may form with Spain. Hence he concludes that the honor & interest of our gov^t^ & country are, in a great measure in jeopardy, in what concerns that business, as he seems to think that the power is given in such a manner to his colleague as to enable him to conclude a treaty without his co-operation, or consent. I do not know what to say on this delicate point. While I was in Spain I was quite satisfied with the conduct of Genl Armstrong

as you saw by my correspondence with him & Mr Madison. But I judged of it only by his own representation of it. It is certain that the govt of France shewed an insensibility to the pressure then made at Madrid, which in consideration of the state of affrs in Europe surpriz'd me. It was a cause of equal surprize that I was permitted to return thro' France without experiencing on her part any disposition to accomodate matters; as that no mov'ment should have been made by her, since our discussions with this country, to promote such an accomodation, to put us more at liberty to support our maritime rights against G. Britain or even promote a rupture with her. Altho' this is an object of infinite importance to France, yet she appears to have been an indifferent spectator of what was passing in it. The cause of the insensibility of France to the proceeding at Madrid was explained by General Armstrong as I came thro' Paris, that is, the fact which he added to what I knew before explained it. He told me that Mr T. had answered his pressure on him to assist us there, by asking how he could expect it, when he knew that a proposition from our agent (meaning his predecessor) to our govt, favored by him, much more advantageous to France, was still depending & likely to be attended to? The same cause might account for my not being spoken to on the subject on my way here, as it may in some measure for her conduct since, till our government acted on the subject. How far he was correct in transmitting a proposition in that stage, in a spirit different

from the proceeding at Madrid, or if his duty to transmit it (informal as it is said to have been and not from the Minister himself) whether by so doing he gave encouragement as his predecessor had done, to the govt of France, to expect it would be attended to, I cannot pretend to say, because I have not the facts before me in a manner to judge fairly of them. If Gl Armstrong wants principle and acts improperly in the present stage, it is a fair conclusion that he has done so from the begining. As Minister of the U States in Paris he has had it in his power to defeat every measure of our govt, in reference to Spain, which he did not approve, as he still has. If Genl A. is a corrupt man, or takes an interest in the reputation of his predecessor (neither of which have I believed) the higher he mounts the sum which we give, the more completely will both objects be answered by it. I declare to you that I have no opinion on this head, because facts are not before me to justify one against him. You are I presume possessed of all that exist on the subject and will be able to form a satisfactory one. It ought to be recollected that much of his reserve & inattention to his colleague may be accounted for by a jealousy of him; and that much of the suspicion of the latter, not warranted by positive fact, may be explained in the same manner. Yet on the whole, if his conduct leaves any doubt on yr mind of his integrity, you will perceive the delicate situation in which the important interests of our country, and your reputation, which are essentially in his hands, are now plac'd. I have stated the above

circumstances for your consideration, that in connection with others, you may pay them the attention they deserve.

I shall write to Mr Bowdoin such a letter as I am persuaded you will fully approve. I shall tell him that as the business has essentially been transferred to France, since the issue in Spain, & submission of it by her to the Emperor, that an impartial agency in it by our minister at Paris was indispensable, and I shall encourage him to abandon all considerations of a personal nature, in a case in which the best interests as well as the honor of our govt & country are so deeply involved. I shall earnestly advise him to endeavor to accomplish in the best manner he can, the objects of our govt, in the mode proposed by it. To let the experiment be a fair one, so that if it fails, let the responsibility rest elsewhere and not with our govt or him. He is in my judgment a man of perfect integrity & good head; in this latter respect I own that I have found him to have been much traduced by his enemies.

With respect to our business here you will find by my letter to Mr Madison of the 9th that it is completely at a stand. After the appointment of another was known it became impossible to proceed in it. I should have felt myself failing in the respect which I owed to my govt had I attempted it. Besides it appeared that the object to be accomplished was of a more comprehensive nature than that in which I was engaged; and it was every way proper to endeavor to provide for the whole at the same time. For some time before

the 25th of April my standing here, was I thought, much weakened, by the reports that a special mission would be resorted to; as the merchants hoped, that some person that which they consider their party, would have been the organ of it. While the publick attention was drawn to such an object my pressure would of course have less effect. On the 25th of April Mr Fox mentioned the subject to me as I stated in a private letter to Mr Madison. He added, what I did not state, that he preferr'd that the business shod remain where it was than be committed to either of those persons, with one of whom he was acquainted, & was a polite and agreeable man. From that day I felt that my agency was nominal, and would remain so, till the ultimate arrangements of the govt, should give some force to it. I shod say nothing on this subject if I did not feel that I might do it with the same indifference as I treat any other, and that we might speak of it together as on any ordinary topick of yr admn You will find that I consider it in that light, and in none other. I do it because our business is not yet carried thro'; here, in France, or at home, & it is possible that the most difficult crisis of yr admn & perhaps of your life is yet to occur. If there is any weight in the ideas I entertain they may be of use hereafter. Had then the measure of an extraordinary mission been rejected from the commenc'ment, I do presume that the unity of the admn in its measures, would have been more complete, & some of the evils which have since occurr'd been in some measure avoided. By admitting that such an

expedient might possibly be adopted, the tone of the whole system became in a certain degree relaxed abroad and at home. It was likely to suspend everything here, & elsewhere so far as connected with operations here, till the measure was taken & had in some degree developed itself. At home it was likely also to produce a very sensible effect. The federal gentry, a party which had already been almost entirely annihilated among the bulk of the people, would naturally expect that one of them would have been called into that service. The very presumption of such an event, would raise the leaders into consequence, revive their influence among their quondam adherents, and reanimate the whole body. The effect wo^d also be immediately felt in a like degree by the republicans, whose confidence would be proportionally diminished. Thus the whole system would begin to lose its tone. In my judgment had you appointed either of those men, I mean of the rioteers at New York (for altho' the honest and respectable people there had sufficient cause for indignation yet such as King felt none at the cause which excited theirs) or such as them elsewhere, you would have completely ruined yourself, and done almost an irreparable injury to the republican cause. The power of the gov^t would at once have been transferr'd to that organ, & you have become destitute of any. At such an epoch as this it would have been a most hasardous thing to have plac'd such a man here, a man hostile to his gov^t, ready to engage in any intrigue, with people here or in France to overset both. In this I speak of any

leader of that party, whose principles are unfriendly to free gov^t^. By rejecting one of them and keeping me in the service you see the effect, which the disappointment has produced, in the proceedings at New York, with the person, whose hope was most sanguine for employment. To have such prospects snatched as it were from before him, when almost realised, was calculated to throw him into despair. By admitting the possibility of such an expedient a door was left open to such of the republicans, as might look to such appointment which by cherishing that expectation was likely to do harm in more ways than one. I reason on general considerations, for believe me I have no facts, in reference to this latter idea, especially. These ideas have occurr'd to me on the subject and I have thought it proper to submit them to you. You may be satisfied that I intend them only for a most friendly purpose. I sho^d^ have assisted any plans which you could have adopted so far as in my power, with propriety to do; the one which you have adopted is one, in which I can cooperate, with perfect consistency & honor, and which I shall of course do.

In point of measures I think it unfortunate that Spain was not pressed with at least as much tone as this country. The effect would most probably have been better both abroad and at home. A decisive pressure, would have forced France to interfere to compel an adjustment, & it would have reconciled this gov^t^ more to the idea of making concessions in our favor. As it is, France, fearing nothing, will strive to dishonor our gov^t^ & our principles, & to draw,

from the disposition shewn to accomodate, all the money which she can. You have, I fear, no idea of the filth which had been gathered there & piled on everything which belonged to us during the service of a certain individual. All kind of respect for us in every sense was lost. Everything appeared to me to have sunk into a state of corruption. Instead of the high and respectable attitude which belonged to our govt, of the correct and virtuous sentiments which its conduct in every agency in which it was concerned, should inspire foreigners, no other idea was excited in my mind, while I was last there especially, than the fears of its being swindled out of money character & everything. I fear that that sentiment is not yet done away there; shod the business not be accomplished under the arrrangement made, the existence of it, will make an adjustment more difficult hereafter. By shewing a disposition to accomodate with Spain, this country may feel itself more restricted in point of character from yielding to us. Had the pressure been made on both, our country would most likely have been more united in it, by which I mean, those among whom union was most to be expected & important. And as the crisis would have been evident the whole nation would have felt the necessity of a physical organization, much stronger than that which exists of the militia & maritime force. But by not pressing Spain in equal degree the motive did not operate with any effect.

Upon the whole I am far from thinking that any essential much less fatal error is yet committed. It is to be hoped that good may result from the whole.

Peace is the most desirable lot for our country, & that its gov[t] should incline to its preservation, even at some hazard, may not prove injurious to us. If the arrangement succeeds both here and in France all may be well & the general approbation of our country & the world attend it. Should it fail in both or either place, that event would form a new epoch which would require prompt & decisive measures. But I most sincerely hope that success will attend it, and in respect to this quarter at least, am sanguine in the expectation. I repeat that I will do everything in my power to promote success from the high regard I bear my country, from the great interest I take in the free system of government, and from a sincere desire to promote the credit of your administration. I wait with much anxiety the arrival of M[r] Pinkney, as you may readily suppose. However anxious to get home yet I shall not hesitate to postpone it to as late a period as the season will admit. I see no reason to doubt if M[r] Pinkney arrives soon, that the business may be easily concluded in time to admit of it. I feel the utmost concern regarding my affairs of which I have no late accounts, but I trust they are doing well. Be so good as to present my best regards to M[r] Madison & believe me very sincerely your friend & serv[t]

My family desire to be remembered to you, to M[r] Randolph & Lady, & I beg you to assure our neighbours of like sentiments of esteem for them.

M[r] Bankhead was with me in Spain as Secretary & discharged the duty well. He is an intelligent worthy young man. He had some desire of an appointment

in the consulate for which he is well qualified. Sho^d he persist in it I sho^d be glad a suitable one might be found for him.

TO JOHN RANDOLPH.

LONDON, June 16. 1806.

DEAR SIR,—I have received yours of March 20, and April 25th since your servant left this country. Your nephew is in good health and otherwise doing well. The professor is well satisfied with him in every respect. He thinks that he will be able to teach him to speak intelligibly, and as his genius is sprightly and his mind well organized, that his improvement in every line will do credit to his school. I need not repeat that the care of him will continue to form a particular object of attention with my whole family, with some of whom he holds the relation of a child and with the others of a brother.

The spectacle which has been presented at Washington during the last session of Congress, has been a very interesting and in some respects distressing one, at least to me. The crisis was peculiarly embarrassing since you had only an alternative of evils. Injured and insulted by this country and Spain, the latter protected by France, you were called on to decide by what means you would be best able to extricate yourselves from the dilemma. There were serious objections to giving the preference to a quarrel with either party, in neglect of the claim of the other, and it seemed rather hazardous to meet both

in that form at the same time. It was only after long reflection and a critical view of the state of affairs with each, and in Europe generally, as of the effect which any course was likely to have in our concerns at home, for which my situation has been favorable, that I fixed firmly in the opinion that we ought to assert our rights with both at once. It did not seem probable that France (for Spain as you justly observe was scarcely to be considered a party) would engage in a war with us, on whom her commerce is altogether dependent; or that Britain would do it, whereby a principal market would be shut on her manufactures; her commerce in every quarter be cut up by our privateers; her Islands starved &c.—Thus I thought that it would be most advisable, to take with each the attitude which the emergency required, in the same manner as if none other existed. By pushing both at the same time, I was persuaded that we should succeed better with each, than if we had made a case with it alone. It seemed probable too that our opinion would be made more perfect at home, since there could be no imputation, but the magnitude of the undertaking, against such a project: and that circumstance to strengthen our union; which in my opinion ought to be preserved at all hazards. If it was broken I am convinced everything else would fail with it. Under that persuasion I have been strongly impressed of late, more especially by what occurred in Spain, and since my return here by the conduct of this government, that the Republicans now that they are in possession of the government, should adopt such

arrangements as should be calculated to preserve its principles forever; which cannot I fear be done otherwise than by such an organization of force, by which I mean Militia, and in a certain moderate degree naval, as would put us in a situation to contemn the idea of foreign invasion, and give some protection also to our commerce. Believe me if this is not done we shall fall into a state of disorganization; one popular tumult will be followed by another, which will be excited and led by unprincipled men, to place themselves again at the head of our affairs, which in the present state of the world would prove fatal to us. We have seen a strong evidence of this in what has lately occurred at New York. I wish that incident, by which I mean the purpose to which the outrageous conduct of the British force there was made subservient, may not go far to impeach the efficacy of our system both at home and abroad. You will observe that as the friends of free government are known to be in power, whatever disasters occur, from whatever causes proceeding, they will be attributed to the defect of the system, and in the degree shake it in the confidence of mankind in both hemispheres. The first effect would be a transfer of the power to our late leaders, who might soon come into consequence, by the disordered state of our affairs, be commencing their intrigues with foreign powers, and preparing the way to a change. In my judgment the moment is critical; the danger exists; is imminent, and ought to be provided for without delay. We must take the society as it is, which is too much an European one,

and provide for all the purposes of effective government. By going precisely to that point, the friends of free government will have the means of preserving it. The organization will be theirs: the force will be placed in every station in the hands of those who merit confidence. The voice of faction will be stifled; its leaders despised and the more so because their views have been seen through in the late occurrence, should none other offer. Thus the principles and with them the views and character of the society, will be moulded and formed by a correct standard. With respect to the organization of the militia it is not in my power to go into detail at present; my idea however is that the whole should be drawn into more activity annually than has yet been done; be arm'd and train'd, be furnish'd with tents and encamp at least a fortnight every year, and that the general and State governments be connected with the plan in the execution. I think some such arrangement absolutely necessary to our security, and that it might be made subservient to other most useful purposes than merely a preparation for defence. The point to which the naval force might be carried, seems to be such an one, as would form some balance against the ordinary detachments of these powers, in our seas in time of war. A force which might preserve order in our ports, and even impose if necessary on the neighbouring Islands. My mind has given in to this latter idea slowly and it has yielded only to the strong arguments, which experience in our affairs has furnished. I am satisfied that a few ships of the line and frigates,

would give us more respect with all the governments where I have been, than any land force we could raise. It is by the means which we have of injuring them only that they regard us, and their regard is proportioned to those means. A force exterior, distinct from the society, which can operate without discomposing the society, is always an argument of great weight in their cabinet consultations. They are infidels 'till the measure is executed, that we will resort to any other than such as embargoes, which affect us as much as them. I think that such a plan would not only be productive of all the advantages above mentioned, but would prove also of great utility in point of economy, as it would put an end to the constant and shameful pillage of our commerce &c. This is in some measure a digression from the subject. I will return to it.

It appears that the plan which occurred to me, was not approved by any party. Certain it is that a different one has been adopted, which remains to be carried into effect, if possible. I deem it highly important that it should succeed, and therefore most earnestly hope that it will succeed. It would prove an attainment of vast advantage to the U. States to arrange our affairs satisfactorily with both parties at this time. To extinguish the Spanish claim to territory within our limits, and settle other differences with Spain on good terms;—to arrange our commerce with this power and to define certain neutral questions in such a manner, as to leave it free with its enemies, on terms which the latter would approve. Such an

event would be very fortunate in every light in which it can be viewed; but I should deem it peculiarly so in reference to an object, in comparison with which all others are subordinate. It is not probable that peace will take place soon between these powers; but should it, in the present state of the world, while we are at variance with both, what injury might we not expect from it? Under the present Ministry, especially while Mr. Fox is in it, I should not expect a combination against us for a certain pernicious purpose. But remove him and some few others, and what might we not apprehend? Even under him, composed as the government is, I should not be surprised to see a system of restriction which might prove highly injurious to us. I declare to you that I think our system of government by no means secure from danger, and that it will require an union of all the talents, virtue & force of its friends to preserve it against foreign and domestic foes. If the business is settled here, we shall be left afterwards to contend with Spain, in case she does not come into the terms proposed, which from what I can hear is far from being certain. To accomplish it here, is therefore a primary object. It would require much detail to carry you thro' all that has occurred since the change of the Ministry. The sum of it is that by a late order, which has been masked with a design to prevent its being understood by the world, the farther seizure and condemnation of our vessels has been suspended on the principle in discussion between us; and that the prospect of an adjustment of differences with this

government on reasonable conditions is favorable. The motive for masking the order I know, from many circumstances which are conclusive, to be a desire to connect the concession of the principle, even in a limited degree, with some favorable stipulation on our part to them in return for it. The business will rest where it is, till Mr Pinkney arrives, which I hope will be soon. So much has passed between Mr Fox and myself, in our conferences on the subject, which might be less on him with another, that I fear it might do harm for me to withdraw in the present stage. It seems therefore to be my duty to remain at least sometime, and unite in a common effort to bring it to a satisfactory conclusion. I trust however that there will be no difficulty in my returning home in the course of the autumn, as it would be a circumstance of serious inconvenience and distress to me to be kept here another winter. Even that however I will do if the public interest requires it.

I should illy merit your friendship, which believe me is a source of peculiar satisfaction to me, if I said nothing on an interesting subject to which you are so kind as to allude. I feel with the gratitude and sensibility I ought the confidence which you and other friends repose in me, as it is the strongest proof which can be given of yours and their approbation of my past conduct in public life. I feel proud also in a belief that I shall do nothing hereafter to forfeit this good opinion. In expressing any sentiment on this point, I shall make no declaration of the sincerity of the motive which prompts it. That would be an act

equally unworthy of us both. My own opinion then is, that the idea had better be relinquished:—that by such relinquishment, the cause of free government would be more essentially served, than by pursuing it. There are older men, whom I have long been accustomed to consider, as having higher pretentions to the trust than myself, whose claims it would be painful to me to see rejected; and you will find that I repose an unbounded confidence in your honour and candour when I state to you that the person, who seems to be contemplated by others, is in that class. It would be impossible to embark in such a controversy without putting in opposition, through the whole community, men who have been long in the habit of dangerous and laborious co-operation in support of that cause;—without harrowing up their feelings and tearing up by the roots antient friendships. Nor would that be the only inconvenience resulting from it. There would be much danger of promoting by it the success of the opposite party, which I should deem at the present period likely to prove ruinous to the cause. I am strongly impressed with the sentiment that more service will be rendered to our country, by withdrawing me from the contest than embarking me in it, and under such circumstances believe me it is the course which would be most gratifying to my feelings. The cause may sometimes derive more support from the retirement of individuals than from any service they might render: though it would be far from my disposition altogether to retire. My private affairs and the interest of my family will require

attention on my return home, with which view I have it in contemplation to resume my station at the bar. But so far as circumstances will permit, I shall be happy to serve with my friends in any line where I may be useful. I have written you freely my sentiments on this interesting subject and beg to assure you that I have done it to no other person. The communication had better be considered as confidential. We shall have an opportunity of conferring on it, when the ultimate course will be decided on and pursued with becoming firmness. I have written you this letter in too much haste for the importance of the subjects on which it treats. I hope however that I have made myself intelligible on every point. As it is possible that I may be detained some time yet in this country, I trust I shall hear frequently from you, more especially should I remain the winter, which however shall not be if I can avoid it. I am dear Sir &c.

TO THOMAS JEFFERSON.

LONDON June 20th 1806.

DEAR SIR,—The opportunity by Mr Bankhead is too favorable not to be taken advantage of to write you, altho I may be able to add but little to what you find in my official dispatches. The business here has been suspended since the late appointment was known & will remain so till Mr Pinkney arrives. It was impossible for me to move in it after that event, either with propriety or effect — besides it appeared

that the object to be accomplished was of a more comprehensive nature than that with which I was charged; and it was in every view expedient to comprize the whole in the same adjustment. I most earnestly hope therefore that Mr P. will soon be on the ground. I do not expect to hear from Mr Fox on any part of the business till the negotiation is opened under the new commission. He would I make no doubt have written readily a note of friendly assurances relative to the outrages at New York, but that would have been of little use, as it would have been a mere matter of profession. A formal application will become necessary when I receive instructions on the subject, on which the measure of this govt will be founded. By desiring him to touch the general subject in the sentiment expressed by him in our conferences, altho' he readily promised a compliance yet I do not expect it. With respect to Mr Fox's conduct in the whole of this business, my own opinion is, that in his conversation & promises to me, he was always sincere, but found himself checked in the cabinet. He recd always with pleasure every information which I was able to give him, and on one occasion made use of the terms "that I must support him" in the point, on which we were speaking, (being that of the continuity of the voyage) in the sense in which I viewed the subject, and as I thought he did also. I have thought that the freedom of his communications with me led him into engagements which he could not fulfill within the terms & manner which he had promised, which gave him some embarrassment, and

made him desirous of avoiding interviews under those circumstances. I have great confidence that he will resume the subject when we are prepared for it, with the disposition he has hitherto shewn. In the meantime I shall avoid everything that may tend to irritate, indeed I shall do all I can to conciliate. In agreeing to suspend the business with Mr Fox I asked him if I shod leave the business where it was, or attempt to forward it by conferring with any of the other members of the Cabinet? He said that I might speak with Lord Auckland if an opportunity offered, who tho' not a member of the Cabinet had weight in the business. I shall do so. I have seen and conferr'd with Ld Sidmouth, who seems to be very well disposed. I have great hope that such a treaty may be formed, as will be satisfactory, and that it may be done in time to let me return to the U States in the course of the Autumn.

Mr Sullivan Mr Bowdoins Secry has lately arrived here & brought me a letter from Mr Bowdoin, from which I infer that his colleague & himself have not been on a confidential or cordial footing. He likewise brot me one from Genl Armstrong, who refers to another of a prior date which has not yet come to hand. It wod be very unfortunate if anything should occur to prevent proper harmony & cooperation between these gentlemen in the business intrusted to them. Not being master of the subject it is impossible for me to impart to you any correct ideas on it. As Mr Bowdoin has hinted the circumstances to me, I shall notice it so far in my reply, as to advise him

most earnestly to lose sight of every personal consideration, sho^d such exist, between them, in an effort the most calm & decisive in his power, to promote the success of the negotiation. I shall press the idea that as the business had been transferr'd to France by Spain, since the issue at Madrid, that our minister at Paris must necessarily have an important agency in it. I am also disposed to suggest the advantage of harmony to Genl Armstrong tho' he has said nothing to me on the subject. Mr Sullivan assures me that Mr Bowdoin will do everything in his power to acquit himself to the just claims of his gov^t & country, which corresponds with the opinion I formed of him in a short acquaintance last year. I hope therefore that this business will have a fair experiment in their hands and that it will completely succeed. I hint the above circumstance however that you may be attentive to whatever occurs, since so much depends in the present state of affairs, on a happy conclusion of it. I shall communicate to both those gentlemen the state of aff^rs here, by Mr Sullivan on his return. He expected to have seen his two brothers here on his arrival, but it seems they are in Scotland. Sho^d he decline a visit there, he will probably return in a few days to Paris.

Mr Bankhead was with me in Spain as Secr^y of Legation. Mr Graham having left Mr P. it became necessary to have some one in that character, which I hope will be approved. His conduct in that station where he had much to do was perfectly satisfactory. He had a desire of obtaining an appointment in the

consulate for which I think him well qualified. Should he persist in it, I hope it may be possible to confer one on him. I feel great concern respecting my affairs of which I rec^{d} no acc^{t} whatever for more than a year past. My family desire their best regards to you & Mr Randolph & his Lady. Be so good as to remember us also to Mr Madison & his. I have little merit with our neighbours, the Mr Carr's Mr Divers & Col. Lewis having never written them owing to the continual expectation of getting home before I co^{d} hope to receive an answer, which has existed for more than a year past. We sincerely hope to find you all in good health on our return. I am dear Sir with great respect & regard your friend & servant.

TO JAMES BOWDOIN.

LONDON June 20. 1806.

DEAR SIR,—Accept my acknowledgement for your favor of the 30th ult^{o} by Mr Sullivan, as for the interesting view it presents of affairs on your side of the channel. I will endeavor to give you in return the information you desire of those on this theatre, especially in which we are concerned. I have had many interviews with Mr Fox since he came into the Ministry on our affairs in which he invariably shewed a desire to arrange them on fair principles. We descended to particular topicks. The trade with enemies colonies he was willing to put on the ground of the Russian treaty, with this difference, that our vessels must enter our ports, unlaid their cargoes, & the duties to be paid

on them. The rate of the duty to be fixed of course by the Congress. In the more early stages he did not insist on the latter restriction, nor has he seemed to be strenuous in its favor. To the claim of indemnity he objected but not definitely. He promised repeatedly to suspend the seizure & condemnation of our vessels on the principle in contestation, & to notify me of it by letter, but failing to do it and being pressed, he intimated in a personal interview, that such a step would be to yield the point in negotiation. At length the order of May 18th was issued which imposed the suspension desired, but in a manner which seemed as if it was intended to mask the object from view. The motive for making it was I presume that alluded to by Mr Fox, that to announce it before the conclusion of a treaty would be to give it up without an equivalent. On the subject of impressments it seemed probable that we should agree on that of our commerce generally, his views seemed to be liberal. In this state the business will remain till Mr Pinkney arrives who is daily expected. I have no reason to doubt Mr Fox's good faith in his communications with me, but much to infer, either that he has not been supported in the cabinet on all the points in discussion, or that the delicacy & importance of the subject, with the opposition which is known to await any concession in our favor are motives for extreme caution & circumspection in his conduct. If the war continues the prospect is favorable to a speedy & satisfactory conclusion of our business; but if the hope of peace is entertained it becomes less cheerful. If our dispute

with Spain was settled it would give a vast stimulus to the business here. In that view as in many others that will occur to you, I think it of high importance to the U States that that dispute should be settled as soon as possible, in conformity to the plan which has been adopted by our government. Indeed under existing circumstances I should fear that a failure of the negotiation, provided it can succeed [on] fair terms (by which I mean such as our govt approves) would be productive of much injury. The conduct of France in not pushing an adjustment of that business to leave us free to support our maritime rights against Britain, if she had no other motive for it, has long surprised me. The U. States are the only power that gives a support at this time to neutral rights, and it is by means of that support that France derives her supplies from the W. Indies and elsewhere;—indeed that she enjoys any portion of foreign commerce. The sum which it is expected to obtain from us on acct of that dispute is a mere trifle in comparison of the other great object. One is a transitory object & a small one at best; the other is essentially connected with high & permanent considerations. I hope therefore that the Emperor will take it under his own view, & put an end to a controversy which ought never to have existed.

We have you see been detained already much longer in this country than we expected. My whole service abroad has been attended with much labor & anxiety, in the latter of which my family has participated. We flatter ourselves however that the period

of our departure approaches, and is now at a short distance. It will give us much pleasure to meet you & yours in America hereafter, free from care and happy in the success of republican principles, & the general prosperity of our country. Mrs Monroe & our daughters enjoy good health at present. They desire me to present with mine their best regards to Mrs Bowdoin & Miss Winthrop. I am dear Sir very truly your friend & servant.[1]

TO DE WITT CLINTON.

LONDON July 5. 1806.

DEAR SIR,—As soon as I had the pleasure to receive your favor on the subject of Col: Troup I put it in the hands of Mr Reynolds an American gentleman who resides here with a request that he would ascertain who was the representative of the late Sir William Pultney, & forward with such person, with it, the object desired. Mr Reynolds was also authorised to state that both yourself & Col: Troup were known to me & in a high degree possessed of my good opinion & confidence. He called on the Countess of Bath but not seeing her, left the letter for her perusal. It was returned to him with an acknowledgement of the attention in a few days. Presuming that a note from me might have a good effect I wrote her one of which the enclosed is a copy, but to which I have received no answer. It is therefore not in my power to communicate the effect of the application but hope it will be successful. If any opportunity

[1] On next day Monroe wrote covering the same ground to General Armstrong.

for more full details than it is probable I shall be able to give you.

Mr Bowdoin arrived here a few days after me. Finding on his arrival at St: Ander that the negotiation with Spain was at an End, and that I had set out for this Country, he was induced by many considerations to repair here also. He saw that he should have nothing to do there in the existing posture of affairs: he was unwilling to take any step which might change in the public view only, the attitude which that result had assumed, and wished to confer with me on the subject of the late negotiation; in addition to which his health had been much impaired by the voyage from the United States, which made it important for him to take the aid of the Phisicians of this City These considerations brought him here, and the latter will probably detain him some time longer. At present however his health is much improved & he is very desirous to place himself more in the way of his original destination. It has been a subject of much reflection on his and my part, whether he should change his position in any respect until he heard from our Government, which may be construed to have relations to Spain. The result is that he has decided to join you in Paris, as soon as his health will permit which there is reasonable cause to hope may be in two or three Weeks, to remain there until he hears from Mr Madison, and for Mr Erving to proceed to Madrid without delay to relieve Mr Pinckney. After our Governments act, especially if it should be in a particular mode, it will be more difficult for him to take that

necessary documents in this business such an attempt could I hope it is not ised & to prevent

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is any foundation for it. You know the course to be pursued, in case of necessity, tho' surely it is impossible.

TO THOMAS JEFFERSON.

LONDON July 8. 1806.

DEAR SIR,—Your favor of May 4th was presented to me on the 24th ultº by Mr Pinkney. That of March 16th has not yet reached me. You are so good as to offer me either of the governments of Louisiana & to intimate that they shall be kept open some time for my answer. I should be very sorry if any injurious delay proceeded from that cause; I hasten therefore to prevent it. At one time I was inclined to think that it might suit me to accept the appointment at New Orleans, for reasons which I then took the liberty to mention to Mr Madison & yourself. To these the removal of some friends there to whom we are much attached, had added another very interesting one. But from the period of my answer to yours on that subject in 1804, I relinquished all thoughts of it. It is a duty which I owe to my family to improve my establishment in Virginia, where I mean to live, & wish them to be established. At present it is far from being a comfortable one, & both time & labor are necessary to make it so. I have also much to attend to of a private nature in other respects; many interesting

duties to fulfil which have been too long neglected. All these require my presence, personal agency & industry, without which they will never be executed, and proportional injury be the consequence to myself and those connected with me. It is therefore utterly out of my power to undertake the trust you are so kind as to offer me. In communicating this decision I beg you to accept my acknowledgement for the attention.

The danger to which a communication is exposed at such a distance & time, prevents my entering on the other delicate topicks to which you allude, indeed it is not necessary to do it as I trust that I shall be able to get home this Autumn, as I most earnestly wish to do. The indisposition of Mr Fox has happened at a season very unfavorable for us. His disorder is certainly dropsical, but great hope is entertained of his speedy recovery. You may be assured that I shall continue to exert my best endeavors to bring over our business, with the least possible delay to the most satisfactory conclusion, as well from a sincere desire to promote the credit of your administration as the interest of our country. I am dear Sir with great respect & esteem your friend & servt

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TO WILLIAM PINKNEY.

PORTLAND PLACE, July 17. 1806.

DEAR SIR,—I have the pleasure to enclose you a copy of a paper which I propose presenting at a proper time to Mr Fox. I will thank you to examine

& suggest any alterations which may appear to you necessary to be made in it. The outrages which were committed at the same port in 1804, by the same vessels, under other commanders as is presumed in both cases, are not noticed in it. It has seemed probable to me, that if I connected the two cases, the pressure in regard to the last one might be weakened; that it is better to single out one for immediate example, and touch the other in conference or by a special explanatory note if necessary hereafter. I am not decided in this opinion and only suggest it for your consideration; we will confer on it to-day when we meet.

I have given advice to the House of Baring & Co that your compensation ought to commence on April 23. and that it would be proper to advance you on the subject of outfit, five or six hundred pounds, being the sum you intimated you wanted at present, to be adjusted by you & the gov^{t}. I informed them at the same time that your demand would have been sufficient without any aid from me; that mine was added, merely at your suggestion, as otherwise it might have been improper. My note to them was of the 15th tho' not sent by accident till yesterday. I gave notice to the Keepers of the Parks on Sunday last of your office & priviledge in that respect. I have the honor to be &c.

TO WILLIAM PINKNEY.

July 25. 1806.

DEAR SIR,—In reflecting farther on the subject of our conversation to-day, & on everything that has occurred, I am inclined to think that it will be better to express ourselves with more caution as to the cause of the delay of our recognition. Suppose we substitute to the terms "we are perfectly satisfied" the following "we are persuaded" or "am of opinion" or "cannot but believe" or "cannot doubt." It seems to be as much as we owe to candour, and should subsequent events prove that we were in the wrong, we shall escape the imputation of having had too much confidence as we shall that of having inspired our govt with it. I have no objection of a serious kind to the letter as it now is, if you prefer it, or will adopt either or any other more qualified phrase which you prefer. The alteration may be made without transcribing the letter.[1] Very sincerely yours.

TO JOHN RANDOLPH.[2]

LONDON Jly 28, 1806.

DEAR SIR,—Your nephew is with the family of Braidwood, a mother & two sons young men of good education & manners. He has been there four days only: I saw him yesterday a moment in passing when he was perfectly well and apparently well satisfied. They say I must leave him a fortnight without bringing him home to break him to the school. On

[1] Pinkney agreed to change the phrase in their joint letter as Monroe suggests.
[2] From a copy courteously furnished by Mrs. James Lyons.

his particular case they could promise nothing from experiment, but they have great hope of teaching him to speak. In a short time I shall be able to tell you more on this subject.

You will have recd. mine by Captn. Tompkins, I presume before this reaches you. The circumstance alluded to in it, wh. suggested from particular considerations, the idea of a certain measure, not having occurr'd, supercedes the motive on my part to that measure. The state in wh. the business now is here, being before a ministry, the immediate party in which, is believed to be well disposed is a strong reason why that step shod. not be taken, or any other which might be proper in another view, till an experiment is made of what may be expected from those now in power. I am inclined to think, that on hearing of the change of ministry here, it would produce a good effect to shew some proof of respect, in a tone of peculiar moderation towards the present one. All that I can now say is that the subject is under consideration & that I shall probably soon know the result, that is, in certain points. I am dear sir your friend and servant.

TO JAMES SULLIVAN.

LONDON Augt 29. 1806.

DEAR SIR,—The opportunity by Mr Barnard is too favorable not to be taken advantage of to acknowledge your very obliging attentions on several occasions since I have been here. Your sons have often been with

me, more especially George, who is with Mr Bowdoin at present in Paris. He was two months since on a visit here, in which he made one of my family. Your other sons have made transient visits to London, and as it happened unfortunately, either when I was absent, or so situated as not to be able to shew them in all respects the attention I desired. The same apology I must make in the case of [obliterated] who came just as I was moving into town & who went to the continent soon afterwards. We will however not fail in attention to him on his return which is expected in the course of a few weeks. Your letter of May 9th is a very interesting one.[1] You have been a very attentive

[1] BOSTON 9th May 1806

SIR:—The changes in political opinions, and the consequent changes in men and measures render it hazardous to utter an opinion on the state of our Country. Your mind may be too much loaded with diplomatic cares to suffer an intrusion of this kind; but it will not be necessary for you to read this letter; and it will not take much time to cast it into the fire.

The state of our nation was never more alarming—The imbecility of the old confederation, necessarily suggested the idea of a new government. It was wise to have one—The care and caution of republican virtue could not prevent its renewing the impressions of a tripartite system, as it passed through the mould of the convention. The amendments effaced the impression: but the scheme of an assimulating administration had its effect, even in Washingtons day. The *Unity of the nation* was his sole attention, and the federal city as the ligament his hobby horse. In the administration of Adams, the footsteps of monarchical principles were everywhere recognized. The laws for twelve Judges &c, which he forgot were repealable were the achme of his political system. Could Pinkney have been his successor, Hamilton would have been in the chair. The moment the Anglo Americans party felt their defeat they formed the plan of a division of the nation. Could they have obtained the national presidency for Burr, their plan would have worn a promising aspect. In this they did not succeed; and their next hope was to make him Governor of New York. Since they were again disappointed, they have relied on the aid of the British ministry—but the very unexpected turn matters have taken in Europe, has increased their rage in proportion to their disappointment. They, the leading federalists, and those dependants who echo their sentiments, are openly clamorous for a

& deep observer of past events in our political history. All the danger which you [obliterated] menacing our admirable system of government from the federalists [obliterated] force us to request [obliterated] tance of those who are resolved to support it. But if its friends continue to perform their part the system cannot fail of success. The publick interest & the publick opinion, where the question is understood, are almost without a division, on its side & the force is

monarchy, and a division of the nation. The majority in New York, notwithstanding the exertions of the man of their hope, gives them a check at present. That state, nor Pennsylvania will like to become an extreme boundary of a nation, and if Rufus King succeeds, it must be, I imagine, in a division of the Union into three empires.

The Judiciary, and civil departments, in Massachusetts, New Hampshire and Connecticut are filled with men, who are ready to follow the lead of the federal path, though they do not see where it must end. The Lawyers are generally dissatisfied with the form of our governments. The clergy are generally of the congregational order, and have no charity for the southern hemisphere. The multiplied corporations, banks &c have all a tendency to maintain the wish for a new government founded on a severance of the Union. The people are lulled by an artificial plenty of money, and the facility of obtaining credit: principle, or reason, does not awaken them, and when they shall be aroused by the pinching hand of the creditor their resentment will furnish an argument for a stronger government.

The last Session of Congress, was not conducted in such a manner, as to raise the government in the peoples estimation. The disregard to a Navy, the disappointment in the Yazoo claim—and the evidence of the want of candour, and temper, among the members, and above all the evident line marked out in almost every question, between the Republicans and federalists seemed to have fixed the fate of the government in the minds of too many of the federalists here last year, the wish of a revolution was modestly expressed under the mild language of effecting it, if it could be done without shedding blood, but the threat now is, that a monarchy must be established, even if they wade through blood to do it. The late tumult at New York seemed intended to begin an insurrection, how long we are to remain in peace I know not, but the law of Nature has its course.

I beg your pardon for the waste of time I have given you and remain with great respect to your character.

J^no^ SULLIVAN.

now combined in support of the same cause. The bond of union as found in sentiment is very strong & experience has already given us many useful lessons. Under such circumstances if the friends of free government do not [obliterated] at their plots we have nothing to fear from domestick or foreign danger. The insincerities of artful & unprincipled men at home require only to be known to be defeated; and whether they are directed to the purpose of producing internal discontent only, or acting on a greater scale, become the base tools of foreign powers, it is impossible that they should not be known, even in the first stages of the treason. The causes which have produced the overthrow of other republicks do not apply in any one respect in the same degree to us. Many of them do not apply at all. Man it is true is the same being at all times & in both hemispheres, but he is often an artificial creature, persuaded by habits examples &c. quite from the purpose for which he was destined by his creator. With us he is [a word torn out] a new being, & I trust that he will [with] more fidelity fulfil, the great & benevolent object of his author, than history has given us any example of

[a line entirely obliterated]

our business here to much delay the appointment of Lords Holland & Auckland to meet us, which has proceeded from that cause, will I doubt not prevent any in future which can be avoided. They however are young in the business, & being likely to desire little aid from him who has left town, to give his physicians & his constitution the opportunity of a fair

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OF

experiment, the presumption is that we shall not be able to push the affair so hastily to its conclusion as desired. All that I can say is that the prospect of a satisfactory arrangement, and with considerable dispatch, is good. I have not yet abandoned the project of getting home this season, tho' that will depend altogether on the time of the conclusion of our business here. I shall certainly not leave the ground till that is done.

Should I sail this autumn I hope to have the pleasure of meeting you & other friends at Washington during this session of Congress. I am dear Sir with great respect & esteem truly y^{rs}

May I request you to be so good as to present M^{rs} M'e & my respects to M^{r} & Mrs George [obliterated.]

As the result of our business here is by no means certain you had better not mention that I have said anything on that subject lest it might get into circulation & be misrepresented.

TO JOHN RANDOLPH.[1]

LONDON Novr. 12 1806.

MY DEAR SIR,—I have the pleasure to enclose you several letters from your nephew who was with us a few days past & is in good health. His conduct continues to merit highly every thing that I have heretofore said of it. He improves, but owing to his natural defects, not so fast as he otherwise would do. The directors of the school speak highly of him, but say that it will

[1] From the copy supplied by Mrs. James Lyons.

not be possible to teach him to speak distinctly. Indeed the professor at Paris does not attempt to teach his pupils to speak at all. Perhaps it had better never be attempted, as success cannot be attained to any great degree, the articulation cannot be made quite natural in any case, especially when they do not commence in earliest infancy. I am inclined to think that it will be advisable when I leave this country to have him removed to Paris; tho' on that point there will be full time for communication hereafter, as I shall not be able to sail till Spring.

I have had the pleasure to receive yours of Sepr. 16th,[1] and regret much that I have not sufficient time

[1] BIZARRE Sept. 16. 1806.

MY DEAR SIR,—Your very interesting & acceptable letter, of the 16 of June, has lain by me for more than a fortnight, during the greater part of which time, I have been disabled by a violent rheumatic affection from answering it. And even now that I have recovered the use of my pen, I labor under considerable embarrassment in what way to reply to it, so as to avoid wounding your feelings, &, at the same time, do justice to my own. If, heretofore, I had been at a loss to fix upon the individual the most disinterested & virtuous whom I have known, I could, *now*, find no difficulty in determining: nor do I hesitate to declare that the very arguments, which you adduce to dissuade your friends from supporting you at the next presidential election, form, *with me*, an invincible motive for persisting in that support: since they exhibit the most irrefragable proof of that superior merit which you alone are unwilling to acknowledge. Yet, I must confess there are considerations, amongst those presented by you, that would have great, &, perhaps, decisive influence upon my mind, where the pretensions of the candidates were nearly equal. But in this case, there is not only a strong preference for the one party, but a decided objection to the other. It is not a singular belief among the republicans, that to the great & acknowledged influence of this last gentleman we are indebted for that strange amalgamation of men & principles which has distinguished some of the late acts of the administration & proved so injurious to it. Many, the most consistent & influential of the old republicans, by whose exertions the present men were brought into power, have beheld with immeasurable disgust the principles for which they had contended, & (as they thought) established, neutralized at the touch of a cold & insiduous moderation. I speak not of the

to enter [fully] into some important topicks wh. I have intended to write you by this opportunity. I must touch in great haste some of them on which it is important to communicate to you the sentiments which much reflection has deeply impressed on my mind. The first of these respects the men now in power on our side of the water, and when I frankly own to you

herd of place-hunters, whose sole view in aiding to produce a change in the administration was the advancement of themselves & their connexions,—but of those disinterested & generous spirits who served from attachment to the cause alone, & who neither expect nor desire preferment. Such men, of whom I could give you a list that would go near to fill my paper, ascribe to the baneful counsels of the S[ecretary] of S[tate] that we have been gradually relaxing from our old principles, & relapsing into the system of our predecessors: that government stands aloof from its tried friends, whilst it hugs to our bosom men of the most equivocal character, & even some who have been, & still are, unequivocally hostile to that cause, which our present rulers stand pledged to support: & that you are at this moment associated with a colleague whom former administrations deemed a fit instrument to execute the ever memorable treaty of London! They are, moreover, determined not to have a Yazoo President, if they can avoid it, nor one who has mixed in the intrigues of the last three, or four years, at Washington. There is another consideration, which I know not how to touch. You, my dear Sir, cannot be ignorant—altho of all mankind, you perhaps have the least cause to know it—how deeply the respectability of any character may be impaired by an unfortunate matrimonial connexion—I can pursue this subject no farther. It is at once too delicate & too mortifying. Before the decision is ultimately made, I hope to have the pleasure of communicating fully with you, in person. With you, I believe the principles of our government to be in danger, & union & activity on the part of its friends indispensible to its existence. But that union can never be obtained under the presidency of Mr M[adison]. The strongest recommendation which he could bring to my support is the possession of your confidence: but when I reflect that for nearly four years you have been employed on a remote theatre, whilst the transactions of that period, upon which my judgment has been formed, passed under my immediate eye,—even that recommendation loses much of its force.

I am deeply impressed with your observations on our foreign policy, & subscribe unequivocally to your opinions, with a single exception—Yet I have no hesitation in saying that, if we are to keep up a navy, our present force is far below what it ought to be. It is a mere war trap, inefficient to every valuable purpose of annoyance, or defence. I feel the full force of your reasoning in

(what I withhold from others) that circumstances have occurr'd during my service abroad which were calculated to hurt my feelings & actually did hurt them, which may produce a change in the future relation between some of them & myself, unless satisfactorily explained, you will be sensible that I am prompted by no personal motive in regard to them in what I say. I really

favor of its augmentation :—but what, my dear Sir, is to enable us to resist the influence necessarily attached to great warlike apparatus, whether naval or military? It is the reaction upon our political institutions that I dread. 'T is a just observation, that no man will be content with half his freedom. To keep him in subjection he must be wholly a slave. This is a mournful truth, of which it behoves the Southern States to profit. But it is equally true, & this equally concerns the whole Union,—that no man was ever satisfied to be half a king. Invest him with some of the prerogatives of royalty,—he will infallibly grasp at the rest. I will never despair of the republic, whilst I have life—but never could I see less cause for hope, than now. I have beheld my species, of late, in a new & degrading point of view—but, at the same time, I have met with a few God like spirits, who redeem the whole race in my good opinion.

It is perhaps not improper to mention that your communications are held under the most guarded seal of confidence. My most intimate friends have no cause to believe that our correspondence relates to any other subject than my poor unfortunate boy, who has found another father in you. For myself, I write without disguise, or caution : taking care, thro the intervention of a discreet friend in N. York, that my letters are committed to the safest channels of conveyance.

My sister charges me to express to yourself & your amiable Lady & daughter her gratitude for the distinguished tenderness which her son has received from each & all of you. Nothing (says she) affects me half so deeply as instances of benevolence exercised towards my children.—My own best wishes are united with hers for the welfare of a family to every member of which we owe such deep & lasting obligations. Let me beg the pleasure of hearing from you as often as circumstances will permit. I know the calls upon your valuable time,—& would not be importunate :—but your letters are to me above all price.

Yours most truly

JOHN RANDOLPH

Your paquet by Mr Carter arrived safe—Altho I hear nothing of the article you were so good as to procure for me. I hope my second bill has been received.

look to other objects of a more permanent nature & much more important than anything which respects either them or myself. I will add that if I had a view to an object which refers to me, in connection with a great cause, which you & some other friends who have thought favourably of my past conduct, take an interest in, I should give the same council. It is to view with a favorable eye in all things, the conduct of the administration: to make no attack on it, shod. you think that it had err'd, for I make a great distinction between defects which the pressure of a difficult crisis may betray us into, or partialities for individuals in the ordinary dispensation of favor, or even a like bias in reference to a greater object, and those defects to which the common opinion of mankind has given the appellation of crimes. The first of these species is quite venial, and every days experience admonishes us to view them with indulgence. Many of the great features which make the character of the admn., are unquestionably sound. It is incorruptible to foreign influence; it is respectful of & watchful over the public rights; it is friendly to free government; it is honest in the administration of the publick money. It is certainly desirous of avoiding foreign wars, & securing to our virtuous people the blessings of peace. Many may think that it has acquitted itself in the present crisis of affairs, with a superior skill & dexterity in the management of those of our country, while others may be satisfied that it has sank under the weight of the crisis, & shown an absolute want of those great qualities which the occasion called for. Be this as it

may, as I cannot suppose, that other defects than those of the first class are attributable to it, my decided opinion is, that it is best for the interest of our country, at the present epoch especially, that they shod. not be brought into view to be made the ground of attack upon the admn. Every year of tolerably successful career to our government produces an effect in favor of that cause throughout the world of the greatest importance. It is a melancholy truth that if a general despotism overspreads Europe, and but an inconsiderable portion of it is now exempt from that degraded state, that the preservation of our system will become considerably more difficult. I am one of those who think that we can survive the wreck of free government on this side of the ocean, but I trust that we shall not be put to that experiment. It is our duty and eminently our interest to give by our example, all the aid we can to that cause in this quarter. So deeply impressed am I with this sentiment, that I would not hesitate to pass by with indifference every defect of the kind I have alluded to,—by which however I do not wish to be understood to imply that I would countenance them, or that I would not prove a scourge to real and dangerous crimes. In reference to the secondary object but little need be said, because I know that, notwithstanding the strong proofs you have given me of your friendship, that I am thought of merely in connection with the cause. I have alluded to it to shew that, in that trifling respect, the course which I advise is the one best adapted to the advancement of the cause. The insecurity in which

it is known that you think the best interests of our country will be placd in such hands, and the favorable light in which you view my pretentions in that respect, will make every act of yours which can be brought to bear on that subject, be ascribed to that consideration. If that circumstance shod. be capable of misrepresentation is it not possible that it might be perverted to improper purposes? A virtuous, a generous and magnanimous policy ought to have the reward in the publick opinion and be productive of all the advantages to the publick interest which it deserves. I mean to say that any attack on the persons alluded to especially by you & some other friends, except for great criminal acts which cannot be presumed, might tend to put it out of the power of the people to judge correctly of their real merit in all those points which ought to be calmly considered hereafter.

There is one other circumstance on which I wish to communicate to you fully my sentiments. It has also some reference to myself, and by particular considerations has become one of considerable delicacy. I allude to the measure of this admn. in giving me an associate in the business with this government. It was natural after my laborious services, in the various and difficult situations in which I have acted, since I left home, that I shod. have felt some sensibility to such a measure. Indeed I thought that the stand which I had made here was not undeserving of some consideration. The measure however being taken, it remained for me to adopt a suitable course of conduct

in reference to it, which I was not long in deciding on. There could be but one principle by which I could examine the point, the interest of my country, if that great cause might in any degree be affected by the part which I shod. take. With a view to that object I thought it my duty to keep my ground, to join in the negotiations in the manner proposed by my govt., and to continue to exert my best efforts in concert with my colleague, to bring it to a satisfactory conclusion. Having made this decision it was equally my duty to get the better of every feeling which might have been excited by the measure, since a knowledge here that such existed or had been felt, could not fail to produce an ill effect; while at the same time it would be considered as a proof of weakness, which I should be sorry that any part of my conduct shod. in any degree countenance. As I had made a stand against the admn. of Mr. Pitt, and I thought with some useful effect, and had been kindly recd. by Mr. Fox & the present ministry, and had a fair prospect of arranging the business with it, having conferr'd much with him on it, I thought that I might render some service by remaining to pursue it. It seemed probable also that if I should withdraw that some injury might result from it. The advantage of previous conversations &c. would be lost. Besides it might have been inferr'd that I had retired from the business in disgust & intended to go home & denounce the admn. The opponents to a satisfactory arrang^{mt} with the U States, in the govt. here, might have been encouraged by that idea, to hold back & thus the

moment favorable to us be lost. Influenc'd by these considerations I have kept my ground, and as you readily conceive done everything in my power to bring the negotiation to a satisfactory conclusion. I think it will be concluded in six weeks from this time, and on terms that our govt. and country will approve; not on every point, or such as they may desire and perhaps expect; but on such as will essentially improve our situation, on several of the first importance, and injure it in none. It will secure us peace and a good understanding with this country for a term of years, and add so many to our growth, which will, enjoying our present prosperity, continue to be very rapid. It is just to observe to you that the gentleman who has been associated with me has acted in a manner, in respect to certain duties of our joint office, & to me personally, as to be quite satisfactory. We have agreed on all the points of the negotiation as well as on the mode of managing it. In accepting the appointment I have no reason to complain of him, as it is pretty certain, if he had refused, that it would have been offered to some other, who might not have the same spirit of accommodation. I have thought it proper that you should be acquainted with this fact, since being an act of justice on my part you will duly appreciate my motive in communicating it.

I have deeply regretted the necessity I have been under of remaining here so long. The above will explain the reasons of it, which however you had, I make no doubt, sufficiently understood before. As our business will be soon concluded, that is, in two

months at most according to present appearances, it is my intention to sail as soon as a favorable opportunity, the approaching spring, will permit. On other topicks we shall confer fully when we meet. I write to few and literally at this time, on political subjects, especially of an interesting nature to no one but yourself. Will you be so good as to let me hear from you occasionally in the course of the winter. Before this you have rec^{d} the articles sent you to the care of Mr. Johnston at Richmond by Mr. Rennolds a Virginian residing here. The bill for the second hundred pounds is recd. and paid. Make our best regards to your sister, and believe me sincerely your friend and servant

TO WILLIAM PINKNEY.

DEAR SIR,—I have just received the enclosed from Lord Holland, which I regret was not directed to us both. I sho^{d} express that sentiment to him but that it might induce him to suppose there was some etiquette between us. Tho' an informal paper it is a very interesting one.[1]

On the first, on a publick subject, the answer seems to be, that we shall of course claim the same jurisdiction of other powers that is agreed on with G. Britain, or be answerable to her for a departure from it, in their favor. To the other, no answer is now expected.

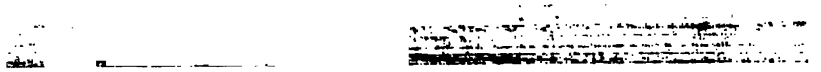
[1] On topics of their negotiations, Pinkney answered, "I can't help thinking that Ld Holland pushes his *Informality* rather too far.—We will however converse on the subject."

To me however it appears best that I should reply that we will consult together on both, and as it is his intention that we should meet on Friday or Saturday, that we will be prepared to communicate to him then freely our sentiments on both points. I will however do whatever you think best & am very sincerely yours.

17 Novr 1806.

The vessel in which Mr Taylor sails is detained till tomorrow or next day which gives me time to prepare some private letters, or I would call on you today, but I will have that pleasure tomorrow.

APPENDIX I.



APPENDIX I.

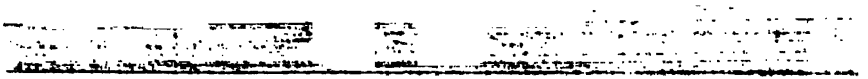
ADDENDA: JOURNAL OR MEMORANDUM—LOUISIANA.

I objected to the commerc[l] priviledge, as being calculated to embarrass our revenue system, create irregularities between one part and another, give offence to foreign powers, fix a badge of degradation on that part of the Union, & actually defeat the policy of France in inclining us to Engl[d]—He seemed to think that being the condition of the cession it was not liable to all the objections stated—both my colleague and myself observed that that idea had not been communicated by him to either of us in our former conversations, w[h] he admitted on our word, but observed that it was an omission on his part, his gov[t] having always contemplated it—that it imported the honor of the govt., to furnish a publick motive for the cession distinct from money—I then objected to the perpetuity of the stipulation to which he assented—12 years were proposed to which he agreed.

At the same time that we presented to Mr. Marbois our project we gave him a paper drawn by my colleague on the subject, translated in French, w[h] being long, it was deemed then unnecessary to read it, but proposed by my colleague that Mr. Marbois sho[d] keep & read it himself & shew it to the consul, w[h] he promised. This paper was given me by my colleague some days before, but it being lengthy & I being much engaged in the arrangement of our project had paid but little attention to it—when my colleague called on me on his way to Mr. Marbois he asked me for it ; I gave it to him, he asked me to sign it—I told him there were passages I did not like, particularly the admission that the formation of our adm[ns] depended on the conduct of foreign powers : that that was not the fact, that that idea was degrading to our country, that the

application of the term sovereign to the first consul was improper, that of Ch: Magistrate was the correct one — I also did not like the terms used relative to the debts due by France—tho' I wished & wod. secure them in our treaty—he said that the paper contained mere cursory observations, — that the first idea w.h I objected to wo.d have weight here, since this gov.t did not wish a change of adm.n in the U. States so that he thought the paper might have use. On the intimation that he considered the paper as containing cursory observations, by which I understood that he meant it as informal, I signed it—I did this on the principle that the negotiation had reached a stage which prevented this paper from doing harm, and to put it out of my colleague's power to say that I prevented his doing good. I never heard of the paper afterwards, tho' my colleague told me next day on leaving the first consul's that Mr. Marbois had informed him that the first consul had approved it—I had conferred with Mr. Marbois just before my colleague did & arranged our meeting that night at his home, in w.h he said nothing of that paper. I therefore inferred that what he did say was in consequence of the enquiry of my colleague, & on perusing that he felt some interest respecting it.

APPENDIX II.



APPENDIX II.

OPINION RESPECTING WEST FLORIDA.[1]

1st October 1800. Treaty Between France & Spain of St Ildephonso.

His Catholic Majesty promises and engages on his part to cede back to the French Republick, six months after the full and entire execution of the conditions and stipulations above mentioned, relative to his Royal Highness the Duke of Parma "the Colony or Province of Louisiana, with the same extent that it actually has *in* the hands of Spain, that it had when France possessed it, and such as it ought to be after the Treaties passed between Spain and other States."

30 April 1803. France ceded to the United States all the Territory which she had thus acquired of Spain. Of what extent is the acquisition? The question is suggested by a doubt whether it comprizes the territory which was called by the British W. Florida: to decide it a view must be taken of the facts & principles on which it depends.

When France possessed Louisiana formerly, that is prior to the year 1762, its eastern boundary extended to the River Perdigo. All the Country which she possessed in that quarter was called & known by the name of Louisiana, & it is a well established fact that it extended eastward to that limit. *Vide charts, authorities*, &ca

By a Secret Convention, bearing date the 3rd of November 1762, between France & Spain, the former ceded to the latter the Island

[1] Inclosed in official despatch to Madison of June 19, 1803 (ante, page 38). Three copies were sent; one is with the original of the Louisiana treaty, the other in the *Jefferson Papers* 2d. Ser., Vol. 57, No. 124, and this one in the *Monroe Papers*.

of New Orleans and the West bank of the Mississipi, that is all that part of Louisiana which lies westward of what was called by the British W. Florida. This Convention has not been published that I know of, for I have not been able to get a Copy of it.

On the 21 April 1764, the King of France gave an Order to his Governor, Monsr d' Abbadia, at N. Orleans, to surrender the said Territory to such Officer as the King of Spain might appoint to receive it. The surrender did not take place till some years afterwards, according to an account which I have seen, the 18 of August 1769.

10 Febr 1763. In a Treaty to which France, Britain, Spain & Portugal were parties, France ceded to Britain the Territory lying eastward of the Island of New Orleans, that is the territory called afterwards by the British W. Florida, & Spain ceded to Britain, in the same treaty Florida, that is the territory which Britain afterwards called East Florida. It was after Britain had thus become possessed of this territory, that she laid off that portion of Louisiana which lies between the Island of N. Orleans & the river Perdigo, into a separate province & called it W. Florida; calling the other East.

The Preliminary Articles of this Treaty bear date on the 3rd November 1762, the same day with the secret Convention. *See Martin's Coll. Vol. 1. p. 17.*

3 Sept. 1783. In a Treaty between Britain & Spain, the former cedes to the latter East & West Floridas.

27 Oct. 1795. In a Treaty between the United States and Spain, the latter stipulates in favor of the former the free navigation of the Mississipi—, with the right of deposit at N. Orleans.

The above are all the parts which belong to the question, on which it remains to decide whether W. Florida is comprized in the cession of Louisiana, lately made by Spain to France, & by the latter to the United States.

The intention of the parties is to govern in all Treaties as in other contracts; to ascertain that intention in the present Case, it is necessary to take into view the whole article, & construe it so as to give to each part its fair and obvious import.

The article consists of three distinct parts or members; the first stipulates that the cession shall comprize Louisiana in the

same extent that it actually has in the hands of Spain ; 2dly that it had when France possessed it ; 3dly as it ought to be after the Treaties subsequently passed between Spain & other powers.

The import of the first member of the article seems to be clear and distinct, & to depend on a single fact, what Louisiana was in the hands of Spain, at the time this Treaty was made. To establish that fact, it seems to be necessary only to ascertain what the limits of the Province then were, by the regulations of Spain respecting it, which it is presumed may be easily done. Has Spain considered W. Florida, since her Treaty with G. Britain, in 1783, as a part of Louisiana ? What is the extent of the jurisdiction of the Governor established at New-Orleans ? Does it go to the river Perdigo, or is it confined to the Island of New-Orleans, and western bank of the river Mississipi ? What is the extent of the jurisdiction of the Governor at St Augustine ? Does it comprize East-Florida only, or both the Floridas ? I am informed by good authorities that since the Treaty of 1783, between Britain & Spain, by which the latter became possessed of the whole of Louisiana, & also of East-Florida, that she has governed it as it was governed by France, comprizing W. Florida as a part of Louisiana, or in other words that the distinction between E. & W. Florida, which was created by and known only to the British ceased.

The import of the second member of the article " that Louisiana shall comprize the same extent that it had when France possessed it," is also obvious. That also depends on a fact which it is presumed is not controverted. We are however led to inquire why were two Clauses, which are supposed to mean the same thing introduced into the article ? To this question a very satisfactory solution may be given, one which tends more fully to shew the intention of the parties, as to the territory ceded to France by this Treaty. That Spain should cede the Province of Louisiana as she held it is not strange ; her motive for inserting a clause to that effect is therefore too obvious to require explanation. But why insert the other ? Had the cession of that part to Britain, which was by her afterwards called W. Florida, & the subsequent transfer or cession of it by Britain to Spain, created any doubt of what was meant by the Province of Louisiana, or was it likely to create

any? The apprehension that such a doubt might exist suggested the propriety of the second Clause, to reduce to certainty what might otherwise be uncertain. With that view it was thought expedient to go back to an anterior state of things, to a period which, by preceding the possession of G. Britain, would preclude all reference to that power or her regulations relative to the territory. This was done by stipulating that the limits or extent of Louisiana should be ascertained by reference to what they were, when France possessed the Province; and that was the motive for introducing the Clause.

It is a sound doctrine in the construction of Treaties, which is equally applicable or indeed more so to a single article, that where there are two passages having in view the same object, the one of equivocal & doubtful import, the other clear & explicit, the latter should prevail. Indeed this is the obvious dictate of common sense; there can be no motive for introducing a second passage in a treaty, or an article of a treaty, on the same subject, for the same purpose, but to explain what was doubtful in the first: that the second member was introduced into this article with this view, & for the reason above stated is obvious. It would be absurd to attempt to construe an intelligible passage in a treaty by an unintelligible & doubtful one. This doctrine is fully illustrated by writers on the law of nations, particularly by Vattel, page 235–6.

Thus it appears clear by the obvious import of the two first members of the article referred to, that W. Florida is comprized in the Cession made by Spain of Louisiana to France, & by the latter to the United States. Is then the import of those Clauses detracted from or changed by the 3^{d} and last one which stipulates that "it shall be such as it ought to be after the treaties passed subsequently between Spain and other powers"? Let us examine the Treaties referred to, and their effect on the point in question.

The only Treaties which Spain formed after the Secret Convention with France, of 3rd Nov. 1862, relative to Louisiana or any part of it, were that of 1783, with G. Britain, whereby that portion called by her W. Florida was ceded to Spain, and that of 1795, with the U. States, whereby the free navigation of the river Missisipi, & the right of deposit at N. Orleans were stipulated in favor of the latter. The term *subsequently* is relative & refers to

the possession of France, prior to that treaty or secret Convention. These therefore were the Treaties contemplated by the parties in this member of the article.

If either of these treaties is relied on as exempting W. Florida from the said Cession of Louisiana, it must be the British Treaty, since that alone can be considered as having any reference to the subject. But how can that Treaty justify such a pretention, a Treaty which did not sever W. Florida from, but united it to Louisiana in the hands of Spain? By it the two first clauses of the article referred to, are made to have their due effect, since by it Spain became possessed of Louisana in the same extent that France held it, except what portion the U. States had lawfully acquired by their independence. Had that Treaty not been formed, the contrary would have been the case; the description given in the most important and ruling clause in the article would have been inapplicable. Does not this then prove that the two first Clauses, especially the second, were introduced into the article, on due consideration, and for a definite object: that the British Treaty was referred to in the 3^{d}, on account of the cession of the W. Florida made by it to Spain, and with a view to comprize it in the Cession of Louisiana then made to France.

If the Treaty between Spain & England had dismembered Louisiana, by separating W. Florida from it for ever, the pretention would be well founded, because Spain could not cede Louisiana otherwise than as she held it, after the Treaties passed between her & other powers. In that case there might be some pretext to the Claim, even had W. Florida afterwards been returned to Spain, by another Treaty, tho' in my opinion not a solid argument in its favor, against the obvious intention of the parties, as expressed in the two first clauses. But that treaty, as already mentioned, did not separate W. Florida from, but united it to Louisiana in the hands of Spain.

Let us suppose this clause standing alone and unconnected with any other, what would its import be? Spain cedes to France Louisiana, "such as it ought to be after the treaties passed subsequently between Spain & other Powers"? Could the Treaty with Britain, which enlarged the limits of the Province in her hands, be construed as lessening the extent of the cession? No part

of Louisiana was hers by discovery ; she acquired it of France and Britain, making the last acquisition of the latter nation ; the treaty making which, with that with the U. States, which imposed on the territory certain conditions, the observance of which it was proper to stipulate in their favor, were the Treaties referred to in the last member of the article.

When a Cession is made of a tract of Country and territory, comprehended under a certain description or name, which conveys an idea of definite limits, from which cession it is intended to except a certain portion of said territory, the restrictive clause should be made explicit, as well to shew the intention of the party ceding to make the exception, as the part he intends to except. Such exemption can never be made by inference against the positive terms of the Cession. In the present case, there is not the slightest ground to infer that an exemption was contemplated, while the terms of the Cession are general, clear, and positive. Is it presumable, if Spain had intended to exempt W. Florida from the Cession of Louisiana, that she would have use[d] the terms adopted in the article to accomplish it, terms that would fail of the object, if they stood alone in a treaty? Is it not more presumable that she would have restricted the Cession in express terms to that portion of the territory, which she had received from France? Or as that Cession was made in a treaty to which those powers alone were parties, it was natural to expect that in a subsequent Treaty between them on the same subject, they would confine themselves to the Treaty & Cession formerly made, if such had been their intention. It was the more to be expected, as by so doing it was the readiest mode of expressing in the clearest manner what their present intention was. If Spain had intended to make the exception and to rely on the British distinction, as the rule & limit of it, would she not have mentioned it in express terms, by reserving W. Florida by name from the Cession? Lastly, would she have used terms which instead of detracting from or exempting any portion of the Territory from the Cession, tended essentially to illustrate the construction, and confirm the import contended for in the preceding Clauses?

It remains to examine whether France had so dismembered Louisiana, while she possessed it, that the reference to the state in

which it was, in her hands, applied to a part and not the whole of the Province. By the Treaties above referred to, by which she ceded it to Spain & Britain, the first bearing date on the 3rd November 1762, the second on the 10th. Feby 1663. I was led to apprehend that some doubt might exist on that point; but fortunately there is room for none, since the preliminary articles of the Treaty of 1763 were entered into and dated on the 3^{d} of Novr 1762, the same day with the secret Convention. France therefore parted with the whole territory at the same time. The Treaties which transferred dismembered it, but that was in the hands of the other powers, not in those of France. It was known in her possession as the entire province of Louisiana and not otherwise.

END OF VOLUME IV.

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